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-----X
NAME OF ALIEN: :
: KNAUFF, Ellen Raphael :
: aka Boxhorn (Boxhornova) :
: 35f Married :
: Stateless White :
-----X

A-6937471

RECORD OF HEARING

before a
Board of Special Inquiry
held at
Hutchins Bldg., 10th & D Sts., N.W.,
Washington, D.C.

March 26, 1951

10:10 A.M.

PRESENT: Insp. Edw. A. Clark, Chmn
Insp. R. H. Danielson, and
Insp. L. C. Joseph
Secys. F. F. Shusterman, and
L. J. Dowd

GOVT. REPRESENTATIVE: Mario T. Noto

COUNSEL: Alfred Feingold
36 W. 44th St., N.Y.C.
Phone: Mu 2-3070

BAT Comfort, 8/14/48
Hearing ordered by Atty. Gen.,
175.57
Paroled

Insp. Clark: This Board of Special Inquiry is convened. Will the applicant
please take the witness chair.

Insp. Clark to Applicant:

Will you state your full, true and correct name?
I am ELLEN KNAUFF.

Is that your full, true and correct name?
That is my complete name, sir.

You are advised that you have been referred to this Board of Special
Inquiry to be heard on your application for admission to the United
States and the burden of proof is upon you to establish that you are
not inadmissible under any provision of the immigration laws. Do you
understand?

A I understand.

By Chairman: Let the record show that there is a Government representative
present.

Mr. Clark to Govt. Representative:

Q Will you identify yourself for the record?

A Yes, I will. Mario T. Noto, Examining officer from the Immigration
Service, and my purpose in appearing before this Board is to present
the Government's evidence to this Board bearing on the question of the
applicant's eligibility in the United States. See BW. 11

Q Do you have something further to add concerning this hearing at this
time?

RECEIVED

Army and OGC

review(s) Approved For Release 2003/03/25 : CIA-RDP59-00882R000100370034-1
completed.

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A I would, Mr. Chairman, and with your permission I would like to insert a statement into the record which I think has a bearing upon the background in this case.

By Chairman: You may proceed.

By Mr. Noto: This particular applicant had applied for admission to the United States on August 14, 1948 at the port of New York, and by the Order of the Attorney General on October 6, 1948 was excluded from admission to the United States without a hearing before a Board of Special Inquiry on the ground that her admission would be prejudicial to the best interest of the United States. This order of the Attorney General at that time was based upon information of a confidential nature, the disclosure of which would be prejudicial to the best interests of the United States. Thereafter, on January 16, 1949, the Supreme Court of the United States affirmed and upheld the action of the Attorney General in excluding this alien from admission to the United States without hearing before a Board of Special Inquiry. On October 19, 1949, the Attorney General, upon a reconsideration of this case, again ordered the alien excluded from the United States without a hearing before a Board of Special Inquiry for the reasons that he had previously announced. On March 19, 1951, the Attorney General ordered that this alien be accorded a hearing before this Board and his order was based upon the fact that certain parts of the original confidential information can now be disclosed without prejudice to the public interest. That completes my statement for the record, Mr. Chairman.

By Chairman: Very well, Mr. Noto.

Chairman to Applicant:

Q I must advise you further that you may be represented by Counsel of your own selection. Is your counsel present?

A My counsel is present.

Chairman to Counsel:

Q Will you identify yourself for the record?

A Alfred Feingold, 36 West 44th Street, New York City, telephone Murray Hill 2-3070.

Q Have you filed notice of appearance in this case?

A My firm, originally as Mr. Jacobsen, who is now deceased, filed on behalf of the petitioner.

Q If necessary, you will file your own notice, will you not?

A That is correct.

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Q And you are admitted to practice before this Service and the Board of Immigration Appeals?

A Yes.

By Chairman: Very well.

Chairman to applicant:

Q Will you please rise and raise your right hand to be sworn. (Complies)
Do you solemnly swear the testimony you will give this Board will be the truth, the whole truth, and nothing but the truth, so help you God?

A I do.

Q You are warned that should you testify falsely in this proceeding you may subject yourself to prosecution for perjury and upon conviction be liable to five years in a penitentiary and a fine of \$2,000. Do you understand?

A Yes.

Chairman to Govt. representative: Mr. Noto, you may proceed.

Mr. Noto to applicant:

Q Mrs. Knauff, do you remember having been questioned by an investigator from the Immigration Service on August 16, 1948 at Ellis Island?

A I do remember that.

Q And were you questioned under oath?

A I don't remember that.

Q Was there a stenographer present at the time that you were being asked these questions and you were answering them?

A Yes; there was a stenographer present.

Q Were you furnished with a transcript of the statements that you had made and that you signed?

A No; I was never furnished with a transcript of the statements I made.

Q Were you shown a copy of the transcript which you read and signed?

A I didn't read it but I signed it.

Q I show you what purports to be a sworn statement of Ellen Raphael Knauff taken on August 16, 1948 before Investigator Parr at Ellis Island, New York, and ask whether or not these are the questions and answers that were made on that day?

By Chairman: Do you have another copy, Mr. Noto, to furnish counsel?

By Mr. Noto: Yes, I do. (NOTE: Copy of sworn statement referred to furnished to counsel.)

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By applicant: May I say something. Mr. Chairman, I believe the record I signed at the time when I was given the papers for signature was about twice as thick as this.

By Chairman to applicant:

Q Would you care to read the statement and determine if it is your statement?

A Yes, it is my signature.

By Chairman: Such statement will be entered in evidence as EXHIBIT #1 and so identified.

By Mr. Noto to applicant:

Q That is your signature on the last page, is it not?

A Yes, that is my signature.

Q And these are the questions and answers that you gave? Are these the questions and answers that were asked of you and the questions answers which you gave to Investigator Parr on August 16, 1948?

By counsel: That is the reason I ask if you will address yourself to the specific questions and answer, I haven't any objections to her answer. I think at this time she hasn't read it so she can't answer it.

By Mr. Noto: It is my intent, Mr. Chairman, to introduce this statement in toto into evidence.

By Chairman: It has been so introduced but as yet the applicant has not admitted that it contains her answers to the questions as put to her at that time.

By Mr. Noto: May I reframe my question.

Mr. Noto to applicant:

Q Is this or is it not a sworn statement that you made to Investigator Parr at Ellis Island on August 16, 1948 and which you signed on Page 14?

By counsel: I object to that. The document speaks for itself.

By Mr. Clark: The document appears in evidence now as a statement made by the applicant to Investigator Parr. However, she has not yet read the complete statement and identified those answers as being her answers. Therefore, I suggest that if attention

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is to be directed to any particular question that she be asked the specific question and whether she answered it in one certain fashion.

By Mr. Noto: Mrs. Knauff, may I direct your attention to the last paragraph which precedes your signature and I quote: "I hereby certify that I have read the foregoing testimony, consisting of fourteen (14) pages, and that same is a full and accurate transcript of the statement made by me before Investigator Laurence G. Parr, on August 16, 1948, at Ellis Island". That statement appears directly above your signature, Mrs. Knauff. Is this a statement that you made to Investigator Parr at that time?

By counsel: I will concede that she made that statement on that date.

By Mr. Noto: May I have that introduced into evidence as EXHIBIT #1.

By Chairman: It has been already.

By Mr. Noto to applicant:

Q Now, Mrs. Knauff, would you please look at this application for admission to the United States, which is known as Form I-135, and tell us whether or not this is a document which you presented to the Immigration inspector at the time of your arrival at the port of New York?

A I believe that these forms were made out by the Army and I signed them.

By Chairman: The Board has knowledge to that effect. The document reflects personal data relating to the applicant and her marriage to a veteran of the Armed Forces and bears her signature.

By Mr. Noto to applicant:

Q Do you remember testifying before a Subcommittee of the Committee of the Judiciary of the House of Representatives on April 3, 1950 at Washington, D.C.?

A I do.

Q Did you testify under oath at that time?

A I did testify under oath at that time.

Q I show you, Mrs. Knauff, a transcript of the testimony which you gave before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, on April 3, 1950, and ask you whether or not this is an accurate transcript of your testimony before that Committee on that day?

A I have a copy and it is an accurate transcript. I believe there may have been a few deletions.

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By Mr. Clark: You may have said things which do not appear in the transcript but everything which appears in the transcript you did say.

By applicant: That is right.

By Mr. Noto: May I ask that this Board introduce into evidence as GOVERNMENT EXHIBIT #2.

EXH #2

By Chairman: It is so introduced into evidence.

Mr. Noto to applicant:

Q Mrs. Knauff, when you were in Europe you were employed by the Civil Censorship Division of the United States Army, were you not?

A That is right.

Q Where were you employed?

A I was employed at Frankfort-on-the Main.

Q In Germany?

A In Germany.

Q When?

A From May 1936 until August 1947, I believe.

Q What were your duties with the Civil Censorship Division?

A I was listening in to German telephone conversation and reporting on black-market activities on any infringement of military rules - military government rules and regulations that I could detect.

Q So that these were mostly telephone conversations with the American personnel of the Frankfort...

A That was American personnel; that was German personnel; Danish, Czechs; Frenchmen, Britishers; all Europe worked there.

Q Were you just listening in on civilian conversations or on all military conversations?

A Only German civilian conversations.

Q Now you left Prague in 1939, after the Germans came in. Is that right?

A That is correct.

Q After 1939 did you thereafter ever go back to Prague?

A I went back to Prague once while I was still in the Royal Air Force in, I am sorry, I can't recall the date.

Q Can you tell us approximately when?

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Q Approximately when, what month?

A February 1946.

Q And after that?

A After that I went back to Prague, about 1946, I couldn't remember the date. It was approximately I should say about Christmas.

Q And after that?

A And after that I went back to get my passport renewed which had to be renewed in Prague. That was in October 1947.

Q So that altogether after 1939 you made three trips to Prague?

A That is right; that is as far as I remember.

Q Now the last time that you went to Prague in October 1947, was in connection with a passport, wasn't it?

A That is right.

Q Where did you get the passport in Prague?

A In the passport office in Prague.

Q In what office?

A I don't know. There is a stamp here but I can't read that.

By Mr. Clark: Let the record show the applicant consulting her passport.

By Chairman to applicant: May I see it, Mrs. Knauff.

Chairman's note: Stamp appears on page 5 of the applicant's passport indicating apparent departure from Czechoslovakia, October 11, 1947.

By Chairman to applicant:

Q That would appear to be correct?

A That would appear to be correct.

By Mr. Noto to applicant:

Q Do you remember the name of the man who gave you that passport in Prague?

A No, sir.

Q During the time that you had worked for the American Government in Germany, did you ever have any contact or connection with officers or representatives of the Czechoslovak Government?

A Do you mean with any Czechoslovak representative at all? I went to the Czechoslovak Mission for passport prolongations and naturally met those people there.

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Q When did you do that?

A I left England when my passport which had been issued by the Czechoslovak Government in London was only valid for three more months so I went to the London Czech Consulate to get a prolongation.

By Chairman:

Q When would that have been?

A That was before I left for Germany. It would have been in May 1946. I showed them that I had a contract for one year with the American Forces and I asked them to extend my passport for one year but they said they couldn't extend that passport as it was still valid for three more months and that I could extend my passport at any Czechoslovak Consulate in Germany so I went to Germany and when my passport expired I applied to the Czechoslovak Mission for passport prolongations. I only got those prolongations three months at a time. Then, when was it, it was in fall 1947 when I went again with my passport issued by the Czechoslovak Government in London which I had until then been always extended; I was informed that I now, that they could not extend this passport any more as it had been issued by the Czech Government in London and they could not issue a new passport in Germany. I had to go to Prague to get a new passport issued there.

By Mr. Clark:

Q You say that was in the fall 1947 - and where were you told that?

A At the Czechoslovak Mission in Germany, in Frankfurt.

By Mr. Noto to applicant:

Q Well, now, do I understand you correctly then to say that you went to the Czechoslovak Mission at Frankfurt in the fall of 1947?

A To get my old passport issued by the Czech Government in London renewed and I was informed that there were new rules and regulations that they could not extend that passport any longer as has been issued by the Czechoslovak Government in London.

Q Your passport, if I recall correctly, was issued October 10, 1947.

A That was a new passport which was issued in Prague.

Q This visit to the Czechoslovak Mission in Frankfurt, did that take place before October 10, 1947?

A That is right.

Q And how many times did you go to the Czechoslovak Mission in connection with this passport that was issued to you October 10, 1947?

A I only went there once. They told me there I had to go to Prague, they could not renew this passport.

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Q Who did you see at the Czechoslovak Mission for this passport?

A I am sorry; I don't recall that. I saw the man who dealt with passports.

Q Now after the passport was issued to you in Prague on October 10, 1947 did you thereafter go to the Czechoslovak Mission at Frankfurt?

A Then I only went again to have that entry made because by the time I had to go to leave for the United States, I had to have a valid travel paper.

Q So that you did go to the Czechoslovak Mission after October 10, 1947?

A I had to have a valid travel paper and I could only get a valid travel paper if I could prove that this passport was not extendable.

By Mr. Clark:

Q It appears that visit was to the Czechoslovak Consul in Frankfurt rather than the Czech Mission.

A They just had changed the name; it was the same person I saw before.

Chairman's note: Passport on page 7 contains stamp of the Consul General at Czechoslovakia in Frankfurt, dated May 4, 1948. The notation appears: This passport cannot be extended or renewed as Mrs. Knauff has lost her Czechoslovak citizenship by marrying an American subject.

By Mr. Noto: I don't believe I have had an answer to my question.

By Counsel: I will concede that she went there for the purpose of getting a travel document.

By Mr. Noto to applicant:

Q My question is this, Mrs. Knauff. Did you, after this passport was issued to you, October 10, 1947, did you thereafter go to the offices of the Czechoslovak Mission at Frankfurt, Germany?

A If I would answer that correct, sir, no because it had been changed its name then and was the Czechoslovak Consulate to which I went to have this entry made into my passport.

Q So that you did go to the Czechoslovak Consulate after October 10, 1947?

A That is right, for this entry for some sort of statement that this passport could not be renewed because that was required of me to show proof that this passport could not be renewed was required of me by the War Bride Section of the United States Army who got me later military government travel paper.

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Q Now when did you go to the Czechoslovak Consulate for the purposes of getting this notation which you spoke of?

A On May 1, 1948.

By Counsel: May I have the record indicate that the witness' recollection was refreshed by looking at the passport.

By Chairman: I have already shown for the record that she has consulted the passport.

By Counsel: Thank you.

By Mr. Noto to applicant:

Q How many trips or visits did you have to the Czechoslovak Consulate in order to get this notation that was on your passport?

A Just one.

Q Mrs. Knauff, I want to bring to your attention a question which was asked of you by the Honorable Mr. Gossett at the hearing of the Subcommittee of the Committee on the Judiciary, on April 3, 1950, which is reflected in Government Exhibit #2, page 11, and I quote: "Have you done anything-- did you furnish any information to Czech officials". "Mrs. Knauff. At no time, sir". Now if I were to ask you that question today, Mrs. Knauff, would your answer be the same?

A My answer would be a definite no, sir.

Q Now let me bring another question to your attention also asked of Mr. Gossett: "At the time you worked for the Royal Air Force, during all the time you worked for the American Government, were you in correspondence with any Czech officials or any politicians or anybody that may be interested in espionage". And your answer was "No, sir; at no time." Mrs. Knauff, if I were to ask you that question today, would your answer be the same?

A My answer would be exactly the same, sir.

Q Let me direct your attention to one more question. This was asked of you by the Honorable Mr. Walter. I am referring to page 7 of that same hearing. Mr. Walter, I quote: I have been informed that you are not permitted to come to the United States or not to enter the United States because you are a bad security risk. Have you ever engaged in any espionage?"

Mrs. Knauff: No, sir; I have never engaged in any espionage. I have never even engaged in politics". Mrs. Knauff, if I were to ask you that question today, have you ever engaged in any espionage what would your answer be?

A No, sir.

By Mr. Noto: Mr. Chairman, I have no further questions at this time but I would wish to defer further cross-examination of this alien un-

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til I have had an opportunity to present some Government evidence before this Board bearing upon the applicant's eligibility for admission to the United States.

By Chairman: That is satisfactory, Mr. Noto.

Chairman to counsel:

Q At this time, counsel, you may, if you wish, question the applicant or you may defer questioning until Government has presented further evidence in this case if you choose. In any event, if you should waive examination it will always be preserved for you.

A I will waive at this time.

Applicant excused.

Chairman to Mr. Noto: Will you call your first witness.

NOTE: Witness takes stand.

Chairman to witness:

Q Will you state your full, true and correct name.

A Anna Lavickova.

Q Will you rise and raise your right hand to be sworn. (Complies) Do you solemnly swear the testimony you will give this Board will be the truth, the whole truth, and nothing but the truth, so help you God?

A I do.

Q I must warn you that should you testify falsely you may subject yourself to prosecution for perjury and upon conviction be liable to imprisonment for five years and a fine of \$2,000. Do you understand?

A Yes.

Chairman to Mr. Noto: You may proceed, Mr. Noto.

Mr. Noto to witness:

Q Will you tell us your name, please.

A Anna Lavickova.

Q Of what country are you a citizen of, Miss Lavickova?

A I am stateless.

Q Were you ever employed by the Czechoslovak Liaison Mission in Europe?

A Yes, I was.

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Q Where?

A In Frankfort-on-Main, Germany.

Q And during what period were you employed at that mission?

A I was employed since January 1947 until the end of April 1948.

Q What was the Czechoslovak Liason Mission?

A The Czechoslovak Liason Mission was appointed by the Czechoslovak Government and was replacing the Consular services in the United States Zone of Germany.

Q In what capacity were you employed by the Mission?

A I was a typist and a telephone operator.

Mr. Noto to Chairman: Mr. Chairman, might I ask that you direct the alien to please rise for the purposes of identification.

By Chairman: Will the applicant please rise. (Complies)

Mr. Noto to witness:

Q Miss Lavickova, will you please look at the applicant in this case whose name is Ellen Knauff, who is also known as Ellen Boxhorn, and tell us whether or not you have ever seen this woman before?

A Yes, I saw her.

Chairman to applicant: Be seated, please.

Mr. Noto to witness:

Q Did you ever see this woman during the time you were employed by the Czechoslovak Liason Mission?

A Yes, I did.

Q Where did you see her?

A I saw her in the office of the Czechoslovak Liason Section and in the Officers' Mess Hall in Frankfort.

Q How many times did you see her in the office of the Czechoslovak Liason Mission?

A Approximately three times.

Q Where did you see her the first time?

A I saw her in Major Vecerek's office.

Q Can you tell us approximately when that was?

A It was approximately in summer of 1947.

Q Who was Major Vecerek?

A Major Vecerek was the Deputy Chief of the Czechoslovak Liason Section.

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Q And you saw this woman in the office of Major Vecerek?

A Yes, sir.

Q Where did you see her the second time?

A The second time I saw her in Colonel Podhora's office.

Q Approximately when was that?

A It was in the fall of 1947.

Q Will you tell us who Colonel Podhora was?

A Colonel Podhora was the Chief of the Czechoslovak Liason Section.

Q What was she doing in Colonel Podhora's office?

A She was sitting in the Colonel's office and talking to him.

Q Were they alone?

A Yes, sir.

Q Were there any other persons employed at the Czechoslovak Liason Mission during the time that you worked there?

A Yes, sir.

Q Can you tell us some of them?

A Yes. It was Major Vecerek; Major Kadane; Captain Krautmann; Major Dokoupil; Lieutenant Urbanova; Miss Vockova; Sergeant Seidl; Sergeant Sebelles; and one German typist - I don't remember her name; and myself.

Q Tell this Board who Lieutenant Urbanova was?

A Lt. was the secretary to Colonel Podhora.

Q And what was her job - what were her duties?

A She was typing all the secret and confidential letters to Prague.

Q And what did she do with these secret letters that she typed?

A These letters were sent to special courier to the Ministry of National Defense in Prague.

Q And who gave Lt. Urbanova the secret letters?

A Colonel Podhora.

Q Did Colonel Podhora send these secret messages through Lt. Urbanova to Prague with any regularity?

A Yes, sir, every fourteen days.

Q Did Lt. Urbanova, as Colonel Podhora's secretary, type these secret letters regularly?

A Yes, she did, after visit of certain people whom she pointed out to me as being agents.

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By Counsel: I object to that as being unresponsive. The answer is yes, and I move to strike out the rest of it.

Chairman to Mr. Noto: Do you plan, Mr. Noto, to expand on her testimony as to agents?

By Mr. Noto: I would develop that any way.

By Chairman: Very well, then, the answer may stand.

Mr. Noto to witness:

Q Why did she send them out to Prague?

By Counsel: I object to that as calling to the operation of her mind, unless foundation is made for that - I am not going to let her speculate as to others. I don't think it is fair to speculate.

By Chairman: The witness may answer if she knows why. I don't believe it calls for speculation. Your objection is overruled.

By witness: No, I don't know.

Mr. Noto to witness:

Q Did Lt. Urbanova ever type out a secret letter, communication or memorandum after a visit to Ellen Knauff to the office of the Czechoslovak Liaison Mission?

By Counsel: I object to that.

By Chairman: On what grounds?

By Counsel: On the grounds that again the attempt is to tie up this party in some way with an insinuation. After all the fact that a report is being sent to Prague after someone has been in the office, it might be after I had been in this office.

By Chairman: However, the Board is not going to accept mere insinuation as evidence in this case. Her statement as to whether or not a letter was sent out after a visit is a fact and may appear in the record.

Chairman to steno: Will you repeat the question to the witness and she may answer. (Question read back)

By witness: As far as I remember, after one of her visits.

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Mr. Note to witness:

Q Were you ever given any instructions by Colonel Podhora regarding the use of telephones at the Czechoslovak Liaison Mission?

A Yes, we were.

Q What did Colonel Podhora say?

By Counsel: I object to that on the grounds that it is absolute hearsay as to what Colonel Podhora said to her.

By Chairman: She is the witness, counsel. I do not believe it is hearsay. She may answer the question.

By Counsel: It is not binding on Mrs. Knauff.

By Chairman: The Board will make its own determination as to what facts are permissible. You must know that the Board is not bound by the rules of evidence.

By Counsel: May I call the Board's attention to the recent ruling, in File A-2250987, of February 16, 1951, by the Board of Immigration Appeals, that sworn statements by third parties have been held admissible in deportation proceedings where the party affected waived the production of witnesses. Most of the ordinary rules on civil proceedings have been held not to apply to deportation proceedings since such proceedings are not considered criminal in nature. However, a report that is obviously a report of a third person, is obviously hearsay of the weakest nature, and its value as evidence is questionable, to say the least. It is clear that even in an administrative proceeding the hearing should present some semblance of fairness. In other words, your evidence must be of a substantial nature and I want to call the attention of the Board at this time that what a third party said to this witness is the rankest sort of hearsay.

By Chairman: In the first place, you are referring to a deportation case which is not binding on the proceedings of this Board, which is a Board of Special Inquiry, and an exclusion proceeding. In the second place, the Board reserves judgment as to what conclusions it will draw from any statement by the witnesses and feels that the witness may answer that question.

By Counsel: My objection is noted.

Chairman to steno.: May we have that question reread please. (Question reread.)

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By witness: Colonel Podhora called all the employees of the Czechoslovak Liaison Section to his office and told them to be careful while talking on the telephone because all the telephone conversations are being tapped.

Mr. Noto to witness:

Q That is the telephone conversations at the Mission?

A Yes.

Q When did this happen, do you recall?

A It was in fall 1947.

Q Did Colonel Podhora ever ask you to get any information from the Americans?

A Yes, he did.

Q What did he say to you?

A He said in case that I meet some American officer or some American to try to get some information from him, that I will get a raise in salary.

Q Did Lt. Urbanova ever ask you to do the same thing?

A Yes, she did.

By Counsel: May I have an objection to this entire line of questioning.

By Chairman: It will be noted but it will be overruled, counsel.

Mr. Noto to witness:

Q When did you leave your position at the Czechoslovak Liaison Mission?

By Counsel: I object to that.

By Chairman: On what grounds.

By Counsel: On the grounds it calls for a conclusion that she left. I don't mind if she describes the circumstances under which she terminated her relationship with the Mission. It assumes that she left them.

By Chairman: It requires a simple answer that she didn't leave the position if that is the case. I don't see it as an objection. It is overruled.

By Mr. Noto to witness:

Q When did you leave this position?

A At the end of April 1948.

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Q Did any other members of the Czechoslovak Liaison Mission leave or resign from the Mission at the same time that you did?

A Yes, sir.

Q Can you tell us some of them?

A Major Kadane and Miss Vockova.

Q Who was Major Dokoupil in the Mission?

A Major Dokoupil was the visa officer.

Q Was he in charge of the issuance of passports?

A Yes, sir.

Q Did you yourself have anything to do with the issuance of passports or visas?

A Yes, sir.

Q What did you do?

A I was filling out the applications for visas.

Q What happened to an ^{application} applicant after they had filled out this application with you?

A The applications were being wired to Prague to the Ministry of National Defense and after the answer came Major Dokoupil issued the visas.

Q Was it customary or usual at the then Czechoslovak Mission to see Colonel Podhora or to have anything to do with Colonel Podhora in connection with the issuance of a passport or visa?

A No, sir.

Q Would it be accurate to say that Major Dokoupil was the officer in the Mission who had the responsibility for the final issuance of the visa or a passport?

A Yes, sir.

Q Now, are you under any sentence by the Czechoslovak communist government of today?

A Yes, I am.

Q What kind of a sentence are you under?

A I am under a sentence of 20 years in the prison.

Q Why?

A Because I refused to work for the communist government.

By Mr. Noto: I have no further questions at this time, Mr. Chairman.

By Chairman: Counsel, you may examine the witness.

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Counsel to witness:

Q Where did you say that clearance for visas had to come from?

A From Prague.

Q You are positive of that?

A Yes.

Q Are you as positive of that as you are of everything else that you have testified to today?

A Yes, I am.

Q No doubt about it in your mind?

A No.

Q I show you a document dated March 1, 1947 and ask you whether or not that refreshed your recollection as to where visas were approved? Does it refresh your recollection? (indicating document)

A Yes; that was from Berlin.

Q And visas were approved from Berlin and not from Prague; isn't that so?

A No. They were approved from Prague.

Q Can you explain then - is this on the official letterhead of your Mission?

A No; that is the Czechoslovak Military Mission in Berlin.

By Chairman: Let the Board see the document. (Shown) Have you a translation of this document?

By applicant: May I translate it for you roughly.

By Counsel: No translation has been made yet. Do you want her to read it?

By applicant: By the Czechoslovak Military Mission, Berlin.

By Mr. Noto: Mr. Chairman, I question the propriety of reading this aloud unless this thing has gone in evidence.

By counsel: I will offer it.

By Chairman: It will be identified as EXHIBIT #3.

EXH. 3 NOTE: applicant reads and translates document--dated 1-3-47, on account of the fact that the Ministry of the Interior agrees to the prolongation

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of your passport for the time of three months, we sent it through the Czechoslovak Mission in Frankfort and it then gives the Consular duties - I have to pay \$2.00 - and I cannot read the signature here, but the receipt on here states that the amount of \$2.40 was paid on the 17th of the 3rd, and the signature is there.

By counsel to witness:

Q Is that a signature of Vecerek?

A Yes.

Chairman's note: Major Vecerek's signature is identified. Exhibit #3 shown to Mr. Noto.

By Mr. Noto: Mr. Chairman, I just want to respectfully bring to your attention the fact that the witness' testimony is that clearance was obtained from Prague on those applications for visas or passport that were submitted or applied for at the Czechoslovak Liaison Office at Frankfort. That document purports on the very face to be that emanated from a Czechoslovakian Mission, and I use the word advisedly, at Berlin, and not at Frankfort.

By Counsel: And not at Prague. And may I call the Board's attention to another fact, that the person who is not the visa officer did sign the receipt acknowledging the receipt of the \$2.40.

By Chairman: It would appear from that translation that the Ministry was the one who approved the prolongation. The Ministry would be located in Prague.

By Counsel: That is an assumption. It emanated from the Berlin office.

By Chairman: But it emanates from the Ministry and I assume all ministries would be located in Prague.

By Counsel to witness:

Q Do people other than Major Dokoupil have anything to do with visas?

A Before Major Dokoupil came it was Captain Krautmann and I did something.

Q And this letter refreshes your recollection that other people had something to do with visas; is that correct?

A Yes, sir.

Q And who else was that?

A The people at the Ministry in Prague.

By Counsel: That is all.

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Chairman to counsel: No further questions, counsel?
By counsel: No, sir.

By Mr. Noto: May I ask that the witness be excused.

NOTE: Witness excused.

Steno. substitution -- 11:10 A.M.

Certified true and correct transcript.

Fannie F. Shusterman
Secretary

LJD 1

(At this point, Secretary L. J. Dowd replaces Mrs. Shusterman)

By Counsel:

May I at this time have a note on the record that I reserve the right to cross-examine the last witness and I ask the Board to direct that she remain until the hearing is closed.

By Chairman to Mr. Noto:

Have you any objection to that. Will the witness be available.

By Counsel:

I will want her available here until this hearing is concluded.

By Mr. Noto:

I have no objection. She will be available.

By Counsel:

It is satisfactory but I would like to have the Board understand the operation of my own mind, and after all we are here to see that justice is had. The reason for it is up to the present time I fail to see in what way the petitioner is bound by this testimony and until the time I do I reserve the right to cross-examine this witness.

(Witness enters hearing room)

Chairman to Witness:

Q What is your full, true and correct name?

A Vaclav Victor Kadane.

Q Will you please rise and raise your right hand to be sworn (Complies)
Do you solemnly swear that the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

A I do.

Q You are warned should you give false testimony in this proceeding you may subject yourself to prosecution for perjury, the penalty for which upon conviction may be imprisonment for five years, a fine of \$2000, or both. Do you understand?

A Yes.

By Mr. Noto to Witness:

Q What is your name?

A Vaclav Victor Kadane.

LJD 1

Q Mr. Kadane, were you ever formerly employed by the Czechoslovakian Government?

A Yes.

Q Were you attached to the Czechoslovakian Liaison for the Military Mission of the European Command?

A Yes.

Q Between what dates?

A I have been attached to the Military Mission from early August, 1947 up to late April, 1948.

Q In what capacity, sir?

A I have been Deputy Chief of Military Missions and later Chief of Military Missions.

Q That is Deputy Chief for Military Missions?

A Yes.

Q What was the Czechoslovakian Liaison Mission?

A The Czechoslovakian Mission was sort of substitute for consular or ambassador service to the Military Government of Germany.

Q You were located at Frankfurt, Germany, is that correct?

A Yes.

Q During the period of time which you were employed with the Czechoslovakian Liaison Mission, did intelligence reports come through your hands?

A Yes.

Q What kind of intelligence reports?

A General intelligence on missions, on cultural, political, and social developments in Germany, reports on Army of Occupation in Germany.

Q During this same period of time did you see any intelligence reports that were attributed to the code name "Kobyla"?

A Yes.

Q Approximately how many such reports did you see, Mr. Kadane?

A Sir, I cannot say exactly the number but I saw several of the reports.

Q Do you know who Kobyla was?

A Yes, sir.

Q Who was Kobyla?

A Kobyla was Miss Boxhornova.

Q How do you know this?

A Sir, it was revealed to me in the Spring of 1948 in a special order from my chief headquarters in Prague.

By Counsel:

I move to strike out the answer on the grounds it does not appear that the witness personally knew that Miss Boxhornova was Kebyla.

By Chairman: Over-ruled.

By Mr. Noto to Witness:

Q What information did you receive from Prague in the Spring of 1948?

By Counsel: Same objection.

By Mr. Noto: May I be permitted to complete the question?

By Chairman: Objection over-ruled. Proceed Mr. Noto.

By Mr. Noto to Witness:

Q What communication or orders did you receive from Prague in the Spring of 1948 which identified Kebyla to you as Boxhornova?

By Counsel: Same objection.

By Chairman: Objection over-ruled.

A (By Witness) In instructions for agents of Communist circulation and G-2 I got a special order which was approximately this content - I am not sure of the wording - the usual form in this case was contact Kebyla, which is Boxhornova, and following the address, and facilitate her journey to Prague for about a week for instructions. Signed by symbol which was used in these cases by all espionage agents - by symbol "E".

Q This came to you from where?

A From G-2, Prague.

Q You were Chief of the Mission at that time, were you not?

A Yes.

Q What did you do with this order or communication which you received?

A Sir, at that time it was just after the Communist coup in Czechoslovakia and I didn't take any action.

Q Did you dispose of this communication?

A Sir, this order was brought to me by special courier from Prague and it was a top secret order on a yellow paper and according to all instructions I had concerning affairs of this nature they had to be destroyed in front of the courier who brought it.

Q Did you destroy it?

A Yes.

Q In accordance with instructions?

A Yes.

LJD 1

Q Did you contact Kobyla?

A No, sir.

Q Did you receive any other instructions from Prague regarding Kobyla?

A Yes, sir.

Q When?

A With the next courier; I don't know the date.

By Counsel:

May I have the date fixed as well as the witness can do it.

By Chairman:

Witness has stated the Spring of 1948.

By Mr. Noto to Witness:

Q How long was it to the second communication?

A Two or three weeks later. The exact dates can be found in the records of the United States Army.

Q To your knowledge, it was two or three weeks later, is that so?

A Yes.

Q What did you receive from Prague at that time?

A I received practically the same one. I failed to answer the first message.

Q Did you dispose of that one as you had the previous one?

A Yes.

Q Did you receive any other memorandum or communication or orders from Prague regarding Kobyla or Boxhornova?

A Sir, at this point I am not sure if I got another order of this type.

Q Now, these various intelligence reports which went through the Mission and which were attributed to Boxhornova, do you recall any specific information that had been disclosed by Boxhornova?

A Sir, only one report struck me by its unusual nature.

Q What was unusual in the nature of that report?

By Counsel:

May we have the witness state how he came to this information.

By Mr. Noto to Counsel:

You will have an opportunity to cross-examine.

LJD 1

By Counsel to Witness:

Q For instance, could this lady before you get information of this sort?

By Chairman:

It is quite...

By Counsel:

The Board should not argue a point like that with counsel for a person who is here on a petition of this sort.

By Chairman:

The Chairman is engaging in no argument, he is merely stating his position.

By Counsel:

This happens to be a public hearing and I am here to protect the rights of my client and I don't want her name smeared over the newspapers of this country. I prefer having it done in a legal way.

By Chairman:

The Board feels it is being done so. Counsel will please refrain from making lengthy statements to the Board when there is no need for it. Witness will be offered for cross-examination.

By Counsel:

I submit to you, Mr. Chairman, you are not obtaining evidence and I think it is unworthy of the Board..

By Chairman:

The Board will be its own judge of the evidence and as to the value of the evidence.

By Chairman:

You may proceed, Mr. Neto.

LJD 1

By Mr. Note to Witness:

Q What was the nature of that report, Mr. Kadane?

A It was a discussion of new United States Army decoding machines.

Q Did those intelligence reports come from the Mission to G-2 or Military Intelligence at Prague?

A Yes, sir.

Q During the time that you were Deputy Chief who was your superior?

A Colonel Podhora.

Q Did Colonel Podhora ever say anything to you regarding telephone tapping of conversations at the Mission?

A Yes, sir.

Q Approximately when, to the best of your recollection, was this?

A It was in the Fall of 1947.

Q What did Colonel Podhora say?

By Counsel: Same objection on the grounds of hearsay.

By Chairman to Counsel:

Over-ruled on the grounds the witness is perfectly qualified to testify as to what he was told.

By Mr. Note to Witness:

Q What did Colonel Podhora say?

A He came to my office and exactly the words were, "The game is up", and he was very excited about it. The point I remember is his attitude and he said, "Miss Boxhornova just told me of our telephone conversations being tapped and as proof she brought this slip of paper which she showed me."

Q Had you seen Boxhornova go into Colonel Podhora's office prior to this conversation with Colonel Podhora?

A Yes.

Q Did you know Boxhornova, Mr. Kadane?

A Yes.

Q Would you recognize her today if you were to see her?

A Yes, sir.

Q Will you please look at all these people sitting in this hearing room and please tell us whether or not you see Boxhornova here present today.

A Next to Mr. Counsel.

LJD 1

By Mr. Note:

Make the record indicate the witness has identified the applicant.

By Mr. Noto to Witness:

Q During the time you were with the Czechoslovakian Liaison Mission approximately how many times, to the best of your recollection, would you say you saw this woman at the offices of the Mission in Frankfurt?

A Sir, I cannot say how many times.

Q Approximately?

A I can state from recollection I saw her approximately every two weeks.

Q Where did you see her at the Mission?

A She either came to my office asking permission to be admitted to Colonel Podhora's, or in his, Colonel Podhora's office.

By Chairman to Witness:

Q You state every two weeks, over what period?

By Mr. Noto:

The witness has testified approximately every two weeks.

By Chairman to Witness:

Q During what period?

A It must have been between August, 1947 and the last I saw Miss Boxhornova about Christmas the same year in our offices.

By Mr. Noto to Witness:

Q Now, was it from the communication which you had received from Prague to which you testified stating that Ellen Boxhornova had been a source of information, an agent for the Czechoslovakian Government or did anything else ever indicate to you that she had been or was such a source of information?

By Counsel? Same objection, hearsay.

By Chairman: Over-ruled.

A (By Witness) Major Vecerek introduced me to Miss Boxhornova in August, 1947. August is the date, I know because Major Vecerek used a month to work me in the normal routine and he left the last part of August or September, 1947. During this period Miss Boxhornova was introduced to me by Major Vecerek in his office and Major Vecerek said after Miss Boxhornova was called, Miss Boxhornova is a valuable source of information for us.

LJD 1

Q Now, you replaced Major Vecerek, did you not?

A Yes.

Q Now, was Colonel Podhora, as Chief of the Mission, engaged in collecting intelligence information by the use of agents concerning the United States Armed Forces?

A Yes, sir.

Q Did you resign from the Czechoslovakian Liaison Mission?

A Yes, sir.

Q Approximately when did you, Mr. Kadane?

A I resigned after an attempt by Communists was made on my life and the life of my wife at the end of April, 1948.

Q Did any other employees of the Mission resign at the same time that you did for the same reason?

A Sir, according to my arrangements in the day of the Communist coup all my personnel resigned with me at approximately the same time.

Q Can you tell us some of the names of those persons who resigned with you?

A Yes, sir.

Q Will you, please?

A Major Fantl, Major Kalata, Miss Vackova, my secretary; Miss Hruby, she was commercial attache to my Mission, and Miss Lavickova.

Q Are you under any sentence today by the Czechoslovak Communist Government?

A Sir, I understand and I find reported that I am under sentence of death by secret military tribune in Prague.

By Mr. Noto: I have no further questions, Mr. Chairman.

By Chairman: Counsel, you may examine the witness.

By Counsel to Witness:

Q What did Vecerek say to you at the time he introduced Miss "B", Miss Boxhornova to you, what was the conversation when the three of you were present?

A I don't know, sir.

Q You don't recall that?

A No.

Q In other words, this conversation you admitted to she was a source of information to you was said in her absence, is that so?

A Yes, sir.

Q And what was the name he gave you at that time?

A Who, sir?

LJD 1

Q What was the name he identified Miss Boxhornova by, did he tell you what her first name was?

A No, he didn't.

Q Did you know what her position was at the time he introduced you?

A No.

Q Do you know what her position was at that time?

A No, sir, I don't.

Q When did you first learn what her position was?

By Mr. Noto to Counsel:

Q What position are you referring to?

By Chairman to Counsel:

Q Are you referring to her occupation in Germany?

A Yes.

A (By Witness) Actually I don't think I ever knew what her position is. I haven't been interested to find out. All I know I heard somewhere in the Censorship Division.

By Counsel to Witness:

Q Now, this report you spoke about that you received from G-2 came to you in the Spring in 1948, is that correct?

A Yes.

Q You are quite positive of that?

A I am definitely positive.

Q At that time Kopyla was identified to you by G-2 as being Miss Boxhornova, is that right?

A Yes, sir.

Q You are quite positive it was in the Spring of 1948?

A Most definitely.

Q Did you see Ellen Knauff at that time?

A No.

Q Were you aware of the fact, sir, that in February, 1948, Mrs. Knauff had married her present husband?

A No, sir. I have heard the name "Knauff", I heard it here.

Q When?

A When I was asked first on this case the name "Knauff" was brought to me.

Q When was the first time this case was brought to you?

A I was interrogated, I don't know the date but several months ago.

LJD 1

Q Several months ago?

A Yes.

Q You weren't questioned by the Government at or about the time of her admission in 1948, were you?

By Mr. Note: Object to the question.

By Chairman:

Sustained, she had not been admitted in 1948; this hearing is to determine her admission.

By Counsel to Witness:

Q You weren't questioned by the Government at anytime in August or September, 1948, were you?

A I haven't been, sir, I can testify.

Q Where were you first questioned?

By Mr. Note:

I object to the question on the grounds that an answer to this question may possibly disclose information that is a vital military necessity. I don't wish to disclose information of that character.

By Chairman:

The Board notes the presence of an Army officer with you. Would you identify him.

By Mr. Note:

Yes. Colonel Gerald L. Church, Chief, Operations Division, Security Branch of the Department of the Army.

By Chairman to Mr. Note:

Q Is it on his advice you raise this objection?

A I am not doing it on his particular advice at this time but because of the knowledge I have of the matters which would constitute a basis for his answer.

By Chairman:

The Board will not require the witness to answer the question at this time but will hold its decision in abeyance.

By Counsel to Witness:

Q When you were first spoken to about the Knauff case were you in the United States?

LJD 1

A Sir, I feel that I am not in position to answer this question.

Q Don't you know where you were?

A I know, sir, but I am not in position to disclose where I was at any particular time.

Q I didn't ask you, I am asking you were you in the Western or Eastern Hemisphere?

A That is a very essential question, I cannot answer that.

By Chairman:

The Board won't require the witness to answer that.

(Matter stricken from the record)

By Counsel:

I submit to the Board I have the right to question in my own particular way leading up to a conclusion and want the Board to make its own decision from the facts I elicit from the witness.

By Chairman to Counsel:

The Board will do that but will not require the witness to answer questions he does not wish to answer.

By Counsel to Witness:

Q At the time you were first questioned by the Government, did you say five or six months?

A No, I said several months ago.

Q How many months?

A I didn't pay any attention, it is a long time, several months.

Q Five months ago?

A It may have been even a year, I wouldn't be able to tell you because it doesn't play any role in my life.

Q Do you remember this woman with sufficient clarity you can identify her?

A Oh, yes, I know her.

Q Do you know the previous witness said she had only seen Mrs. Knauff at the Mission on three occasions?

A I wouldn't know.

Q Would she be mistaken or would you be mistaken?

A Neither because special guests went to my office or directly in.

LJD 1

Q Did Mrs. Knauff ever come to you for the purpose of having her Czech passport cancelled?

A Not to me.

Q Did you know at anytime she was attempting to have her passport extended?

A Sir, I was not in a position to know this.

Q You never personally discussed any espionage work with Mrs. Knauff, did you?

A Not me.

Q She never passed any information to you?

A No.

Q Isn't it a custom among espionage agents to assume aliases?

A Usually the agency which is hiring, the agency is given other names but the agent is always known to the officials, the agent is always positively identified including photos and dates concerning the agent.

Q I didn't ask you that, I asked you whether espionage agents or informants used aliases?

A If you will pardon me, if they use aliases for themselves I don't know but they never could use aliases for the agency which hires them because the agency goes into the history of each case.

Q In other words your answer is espionage agents do not use aliases?

By Chairman:

This Board has a very direct interest in the case and at anytime will interject. In other words, it is direct testimony of the witness. If you are not satisfied with the answer you may ask for a clarification but do not paraphrase his answer.

By Mr. Noto:

I just want to make this observation. I will admit I am slightly confused as to whether Counsel contends an intelligence agent would have use an alias at the headquarters of their intelligence activities or whether or not a code name is used in the course of the duties. I say there is a material distinction.

By Chairman:

Suppose we ask Counsel to rephrase that question.

By Counsel to Witness:

Q In the course of espionage work, making reports, do espionage agents use an alias as a general rule?

A I am not an authority to say if he uses an alias but in contact with an agency he is most definitely identified. I cannot testify if he uses other names.

LJD 1

we call somebody or we call Kobyła, for instance. We have a record who he is, where he was born, how he looks on a photograph; we have a photograph of him.

Q When you say "intelligence" you mean G-2?

A General Intelligence.

Q You never facilitated Boxhornova's going to Prague?

A No.

Q As a matter of fact, from your own personal knowledge, you do not know if Miss Knauff whom you identified in this room today ever did do espionage work for the Czechoslovakian Government. Yes or no, to your personal knowledge?

By Mr. Note:

I object to the form of question because in referring to personal knowledge does Counsel mean he actually saw that activity.

By Counsel:

With his own knowledge or in the performance of his duties as Chief of the Mission.

By Chairman to Counsel:

Q Would Counsel say the applicant ever directly gave intelligence information to the Witness. Would that correctly express the intend of your question.

By Counsel: A Yes.

By Chairman to Witness:

Q Did the applicant, Mrs. Knauff, ever give you intelligence information?

A No.

By Mr. Note:

I have no further questions. May I ask that the witness be excused.

By Chairman: A Yes.

(Witness excused. Next Witness enters hearing room)

By Chairman to Witness:

Q What is your full, true and complete name?

A William C. Hacker.

Q Will you please stand and raise your right hand to be sworn (Complies)
Do you solemnly swear that the testimony you will give during this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

LJD 1

A I do.

Q I must warn you should you give false testimony during this proceeding you may subject yourself to prosecution for perjury, the penalty for which upon conviction may be imprisonment for five years, a fine of \$2000, or both. Do you understand?

A Yes.

By Mr. Noto to Witness:

Q Will you state your name?

A William C. Hacker.

Q Your grade?

A Captain.

Q Branch?

A Infantry.

Q Were you ever stationed in Germany?

A Yes.

Q At what place?

A Frankfurt.

Q During what period of time were you stationed there?

A April, 1946 until August, 1948.

Q What were your duties during the time you were stationed in Frankfurt?

A Member of Counter-Intelligence Corps.

Q During your assignment in Counter-Intelligence Corps in connection with counter-intelligence duties you had did you generally investigate espionage activities against the United States?

A Yes.

Q Did you during these investigations have occasion to investigate anyone by the name of Ellen Boxhornova?

A Yes.

Q Will you please tell this Board the nature of that investigation?

A In late 1947 I received information that Ellen Boxhornova was dealing and associating with Colonel Podhora. Colonel Podhora was then Chief of Military Mission in Germany. At that time there had been a leak of classified information from the Civil Censorship Division. Ellen Boxhornova was named as the source of information for Colonel Podhora.

Q Now, was Colonel Podhora engaged in espionage activities against the United States?

A Yes, sir.

LJD 1

Q Where was Ellen Boxhornova employed at that time?

A By the Civil Censorship Division.

Q Of what organization or what country was that Civil Censorship ?

A United States Government, UCOM (European Command Headquarters) Headquarters.

Q What were her duties, Captain Hacker?

A She was employed as a monitor for Civil Censorship Division.

Q What did she do?

A As a monitor her job was of monitoring all the telephone conversations of persons who were considered of security nature by the United States Government or UCOM Headquarters.

Q What was the security classification of the duties in which Ellen Boxhornova was engaged?

A At least Confidential.

Q And possibly higher?

A Yes.

Q Did you receive any specific information that Ellen Boxhornova was an espionage agent?

A Yes.

Q Was that received from a reliable source which cannot be disclosed?

By Counsel:

I object on the grounds it is hearsay.

By Chairman to Counsel:

Q Hearsay on the part of this Witness, Counsel?

A Yes.

By Chairman to Counsel:

The Board feels in his position he was well qualified to know that. He may answer the question. Objection is over-ruled.

By Mr. Note to Witness:

Q May I ask that question again. Was that information received from a reliable and confidential source which cannot be disclosed?

A Yes.

By Counsel:

I object to that wording, "reliable source". How are we going to weigh that?

LJD 1

By Chairman to Counsel:

The Captain is weighing. He is qualified. The Board will make its determination as to what weight to give it.

By Mr. Note to Witness:

Q What was the nature of that information that Ellen Boxhornova was furnishing Colonel Podhora?

A Information of classified material concerning the activities of the Civil Censorship Division.

Q Did you also receive information of a similar nature from another source?

A Yes.

Q Who was that source?

A Major Kadane.

Q Who was he?

A He took over the Chief of Czechoslovakian Military Mission early in 1948.

Q Did Major Kadane furnish information to you in your official capacity?

A Yes.

Q Did the information you received in the course of official duties indicate that the information which Ellen Boxhornova had turned over to Colonel Podhora consisted of classified United States military information?

A Yes.

Q Did these reports which you received concerning Ellen Boxhornova indicate her actions were a pattern of continued espionage activity under circumstances clear to you they were being carried out by a trained espionage agent?

By Counsel: objection.

By Chairman:

If the witness feels he is qualified to answer that question he may answer it.

A (By Witness) Yes, sir, very definitely.

By Mr. Note to Witness:

Q Captain Hacker, you served in Europe, did you not?

A Yes.

Q Were you awarded a campaign ribbon known as the Middle Eastern Theater Ribbon?

A No, sir.

Q I am referring to the MTE Ribbon?

A No, but Approved For Release 2003/03/25 : CIA-RDP59-00882R000100370034-1

LJD 1

Q Now, you are in the Army, as far as campaign ribbons are concerned, does the Army award campaign ribbons to persons not members of the armed forces?

A No.

Q As a matter of fact it can only be awarded during the periods of a particular campaign and if you served in that theater subsequent to that date you don't get that campaign ribbon, that is correct?

A Yes.

By Counsel to Witness:

Q You are positive of that?

A I am relatively sure of that.

Q You are not sure?

A Relatively sure.

Q Take a look at that paper? (Counsel hands paper to witness). Does that change your answer?

A Not necessarily.

Q Do civilians get citations?

A To my knowledge they don't.

Q Does this document change your mind?

A No.

Q Do you say this is a forgery?

A No.

Q Does the document in any way change your mind?

A No.

Q You still persist that civilians do not get citations?

A Yes.

By Counsel:

I wish to offer this as an exhibit.

By Mr. Noto:

I object to it on the ground it is not authentic, there is no seal on it.

By Chairman:

It will be so noted.

LJD 1

By Chairman:

The document is with the letterhead, Group "B" 7742 Civil Censorship Division, European Command, APO 757, US Army, dated 11 July, 1947, Special Orders No. 19, "Under the provisions of Paragraph 1 a, Section III, USFET, CPC No. 24, dated 21 February, 1947, the EAME (European-African-Middle Eastern) Theater Ribbon for faithful and satisfactory service is awarded to the following named employees of this Organization." There follows a list of approximately forty names, one of which is BOXHORNNOVA, Ellen. There appears apparently a mimeographed signature, Mark Winn, 1st Lieutenant, CAC, Adjutant.

EXHIBIT This document will be entered into the record and identified as
#4 Exhibit #4.

By Counsel to Witness:

Q Was there a First Lieutenant, CAC, Mark Winn connected with the Civil Censorship in 1947?

A I remember a First Lieutenant Mark Winn but I don't remember whether he was an adjutant.

Q Was there a Lieutenant Colonel at that time by the name of "Cushman"?

A I believe there was.

By Mr. Noto:

I just want to bring to the attention of the Board this fact, that the word used here is "ribbon", it is not the medal for the European-African-Middle Eastern Campaign. This does not entitle the person awarded the ribbon to wear the medal of that theater.

By Counsel to Mr. Noto:

Is it your point that a terrible injustice has been done the Immigration Service that she was awarded a medal instead of ribbon.

By Chairman:

The Government has not made any such charge; if they should it can be straightened out when made.

By Counsel:

It seems to be some point is being made about that.

By Chairman to Counsel:

There is no point being made. If the witness is called to the stand and questioned then we can clarify it.

LJD 1

By Counsel to Witness:

Q You first were called upon to interrogate Ellen Bexhornova late in 1947, is that correct?

A Yes.

Q To your knowledge when did the Civil Censorship Division end in Frankfurt, Germany?

A I don't know exactly.

Q Will it refresh your recollection if I told you it ended in August, 1947?

A I couldn't say.

Q You wouldn't say one way or the other?

A No.

Q The operation in which the petitioner here was engaged prior to August, 1947 employed Germans, didn't they?

A That's right.

Q That was what is known as an indigenous operation?

A Yes.

Q Why is it called indigenous?

A That I couldn't say.

Q Is there anything confidential in an operation where enemy aliens were being employed?

A I would say it depended on the nature of the operation.

Q Even with enemy aliens?

A Yes.

Q Germans were using the switchboards, weren't they?

A That I couldn't say.

Q You were in the Intelligence Department, weren't you?

A Yes, I was in the Intelligence Department but I wasn't in the Civil Censorship Division.

Q In checking on Ellen Bexhornova did you make it your business to find out whether enemy aliens were monitoring the boards?

A No.

Q What sort of confidential work was being done by the switchboard operators and the monitors?

A I cannot answer that question.

By Chairman to Witness:

Q On what grounds?

LJD 1

A The United States Army might possibly be involved in an operation such as that at a future date and it is a violation of military security.

By Counsel to Witness:

Q You employed Germans to carry out an operation of that sort?

A I don't know.

Q Do you think no Germans were employed in doing that type of work?

A I knew Germans were employed for the Civil Censorship Division.

Q Did you know that Miss Knauff after August, 1947 was transferred to the Signal Corps?

A I believe that is correct. I couldn't say positively, I didn't see any special orders transferring her to the Signal Corps.

Q Now, in the course of your checking on Mrs. Knauff, didn't the Counter-Intelligence Corps screen Mrs. Knauff before she was permitted to marry Mr. Knauff?

A That I couldn't possibly say.

Q Isn't that usual?

A That is usual.

Q Do you know that she was cleared by Counter-Intelligence?

A I don't know.

Q Did you know she married Kurt Knauff in February, 1948?

A I have heard.

Q Did you know in the course of your investigation she was permitted to come to this country by Counter-Intelligence?

A Not by Counter-Intelligence.

Q Wasn't she cleared by Counter-Intelligence?

A I would answer that question, that is generally the practice.

Q When did your report become part of the record?

A In March, 1948.

Q So that you were investigating her from August, 1947 to March of 1948?

A I will not say August, I will say late in 1947, I don't know the exact month.

Q Could it have been after August?

A It could have been.

Q You said she gave classified information to Colonel Podhora in your direct examination, is that correct?

A Yes.

LJD 1

Q What do you mean by "classified" information?

A Information concerning the activities of Civil Censorship Division.

Q Can you be more explicit as to what these reports showed?

A I don't quite understand you.

Q Would you designate this classified information she allegedly gave to Colonel Pedhera?

A There are four kinds.

Q Did she give Top Secret?

A I wouldn't say so, I said classified information.

Q What type of classified information?

A Information concerning the activities of the Civil Censorship.

Q What sort?

A Telephone monitoring, whose lines to be monitored, and so forth.

Q Weren't all lines monitored?

A Not necessarily.

Q Wasn't there a time when all calls coming into Germany was monitored?

A That I couldn't say.

Q This information you gathered about Ellen Boxhornova might be placed in a sort of type, could it not, with the same sort of information given to you by Kadane?

A That's right.

Q Did you know that Kadane personally knew nothing about Mrs. Knauff, that he had never received anything directly from Mrs. Knauff?

A I have heard Kadane say he wasn't personally acquainted with Mrs. Knauff.

Q So that all the information you got was from outside sources, isn't that correct?

A What do you mean by "outside sources"?

By Mr. Note:

I'd like to interpose an objection because the question reads, "all the information". I think if the witness were to be required to answer that question he might be disclosing information of the United States authorities, because the question is "all information" so that by necessity it would mean having by implication to resort to the methods of operations.

By Counsel to Witness:

Q And that information is hearsay?

LJD 1

By Mr. Noto:

I object to the question, this witness is not qualified to testify as to what is hearsay.

By Chairman to Counsel:

I believe with Mr. Noto that calls for a conclusion.

By Counsel to Witness:

Q Do you know what hearsay is?

A I believe I do.

Q What is hearsay?

A Hearsay is information, as the term implies, is merely heard.

Q In other words, it does not come directly from the source?

A Yes.

Q And your entire dossier is made of hearsay evidence?

By Mr. Noto:

I object to the question; it calls for a conclusion on the witness's part.

By Chairman to Witness:

Q Do you feel qualified to answer the question?

A No.

By Chairman to Counsel:

Will you rephrase your question?

By Counsel to Witness:

Q As you know, that when Kadane gave you a report he knew nothing about Ellen Knauff; you knew that?

A He knew that Ellen Knauff was working for the Czechoslovak military.

Q He told you he personally didn't know anything about her, he had gotten it from other people, isn't that so?

A He was in a position to know.

Q I didn't ask you that, he told you he had gotten it from other people?

A Major Kadane, as Chief of the Military Mission, had access and was in a position to know she was working for the Czechoslovak Government.

Q Did he tell you he personally didn't know whether or not she was an espionage agent?

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A I beg your pardon?

Q Didn't he tell you he had nothing to do with her?

A She was furnishing information to Colonel Podhora.

Q And Podhora had told Kadane?

A No, I don't believe he had.

Q Somebody had told Kadane.

A I believe he received official information from Prague.

Q Some third party had given the information to Kadane?

A Kadane received an official communication from Prague.

Q I will ask you again, some third party, person, agency, somebody other than Kadane had given the information to Kadane, is that right or wrong?

A The Czechoslovakian military authorities.

Q But somebody other than Kadane gave the information to Kadane?

A I don't know.

Q And all the information in your dossier, is that of the same nature?

By Mr. Note:

Object to the question on the same grounds, on the ground that if this witness were compelled to answer he would be disclosing information of the methods of operation which brought about this information in possession of the Counter-Intelligence Corps.

By Chairman:

I don't believe the witness will be required to answer that question. Will you ask him specifically.

By Counsel to Witness:

Q When did the Czech Mission terminate?

A I don't know when the Czech Mission terminated.

Q When did you speak with Kadane?

A When did I speak to him about what.

Q About Ellen Knauff?

A In March, 1948.

Q Where was he at that time?

A At his home.

Q Where?

A In Frankfurt, Germany.

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Q Did you ever speak to him at the Mission?

A No.

Q Was he at the Mission at that time?

A Yes, sir.

Q Didn't the Mission terminate in August, 1947?

A I don't believe the Mission terminated before I left. I know the Mission was still there in August of 1948 when I left Germany.

Q You are quite positive of that?

A In August of 1948; I am not positive.

Q And you are not positive whether the Civil Censorship Division terminated in August, 1947?

A No.

Q Could be?

A Could be.

Q And it could be that the Mission terminated in August, 1947?

A No, the Czechoslovakian Military Mission did not terminate in August of 1947.

Q Now, will you state for the record the manner in which the Counter-Intelligence cooperates with the authorities in the case where a foreign girl marries a GI, the manner in which she is cleared, how the two agencies went about it?

By Mr. Note:

I will object to that for obvious reasons.

By Chairman:

It will be sustained for the same reasons. I certainly do not feel that Counter-Intelligence will reveal its methods.

By Counsel to Witness:

Q Will you state the reports you make before a GI is permitted to marry a girl and she enters the country as a GI bride?

By Mr. Note:

I do not believe that this witness is qualified for that, that he had nothing to do with the clearance of any war bride.

LJD 1

By Chairman to Witness:

Q Did you have anything to do with the clearance of war brides?

A No.

By Chairman to Counsel:

I don't believe he is qualified to answer.

By Counsel to Witness:

Q Will you state why your report was not made part ^{of} the official dossier?

A I don't know when she was cleared.

Q In February, 1948.

A I believe I stated in previous testimony that my report came in March of 1948.

Q From August until March, you never handed in a report before that?

A I cannot answer that question.

Q You do not recall or you are not permitted to answer?

A I am not permitted.

By Chairman to Counsel:

Q May I say there is no testimony relating to that August date as yet. The Captain has testified, I believe, he was involved in the investigation in late 1947, then, when you say August you are referring to late 1947?

A Yes.

By Counsel to Witness:

Q That is a military secret whether or not you had any interim reports?

A What are you referring to as a military secret.

Q As to whether or not you had any report on the activities of Ellen Knauff from 1947 to 1948?

A I believe I said I had received information concerning her espionage activities in 1947.

Q I asked you whether or not there were any interim reports from the time you started?

A I don't believe there was any official report that went forward.

Q When were you first questioned by the Government in this case?

A On the 6th of March, 1951.

Q Nothing had been spoken to you before?

A No.

By Counsel Approved For Release 2003/03/25 : CIA-RDP59-00882R000100370034-1

By Chairman to Mr. Note:

Q Do you have any other witnesses to present at this time?

A No.

By Chairman:

Witness excused.

By Chairman:

Hearing will be convened to 1:30.

12:00 Noon.

I certify the foregoing, pages 21 to 46, to be a true and correct transcript of the stenographic notes taken by me.

L. J. Dowd,
Secretary.

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1:30 P.M.; Secy. Shusterman replaces Secy. Dowd.

Chairman to Mr. Noto: Are you ready to proceed, Mr. Noto?

By Mr. Noto: Yes.

By Counsel: I would like to have Major Kadane recalled for further questioning and then after that Miss Lavickova.

By Chairman: Very well, counsel.

(NOTE: Major Kadane recalled.)

Chairman to Witness, Major Kadane:

I must advise you at this time, Mr. Kadane, that the oath administered to you previously will continue in effect now. Do you understand?

A Yes.

Chairman to counsel: All right, counsel.

Counsel to witness:

Q After you resigned from the Czech Mission, what was your occupation after that?

By Mr. Noto: Objection.

By Chairman: On what grounds?

By Mr. Noto: On the ground that the witness' occupation may in and of itself be prejudicial to national security, depending upon what occupation he is engaged in.

Chairman: Is that objection concurred in by Colonel Church?

By Col. Church: Yes.

By Chairman: I must sustain the objection, counsel.

Counsel to witness:

Q When did you enter this country?

By Mr. Noto: I object to that, counsel, Mr. Chairman on the same ground.

By Chairman: It is sustained on the same ground.

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Chairman to counsel: Could you state for the record the purpose of that line of questioning?

By counsel: To show the circumstances under which this witness entered the country, from which the Board might infer that he has offered his testimony as a means to get into this country rather than being truthful testimony.

By Chairman: In view of the objection on security grounds, would you ask the witness directly whether or not any offer or promise has been made in return for his testimony?

By Counsel: I refused to do that before and I refuse to do it again. If the Board wants to ask the question, the Board may ask. That is not the method which I pursue. I want the facts and not his conclusion.

By Chairman: The Board will ask the witness since it is interested.

Chairman to witness:

Q Has any promise been made, or offer of anything, for your testimony before this Board?

A No, sir.

Counsel to witness:

Q When did you first get in touch with the American authorities concerning this case?

By Mr. Noto: I object to the question, Mr. Chairman.

By Chairman: On the same grounds?

By Mr. Noto: That is right.

By Chairman: It is sustained on the same grounds.

Counsel to witness:

Q Did you ever volunteer any information about this case?

A Yes, sir, I did.

Q You volunteered?

A Yes, sir.

Q When was that?

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By Mr. Noto: Objection to that question.

By Chairman: On security grounds?

By Mr. Noto: For the same reason. Counsel is just getting around the question. That is the question he asked before.

By Chairman: Sustained.

Counsel to witness:

Q Do you know Tatjana Prantl?

A Was I supposed to know her, sir, or meet her?

Q Do you know her?

A I remember a girl called Tatiana; what was her other name I don't know.

Q She was quite friendly, wasn't she, with Colonel Podhora?

A I don't know, sir.

Q Didn't you see her going out on dates with him?

A Just a minute, please, because first thing the girl Tatiana I know was either of Czech origin or Slovakian origin and worked for U.C.O.M. headquarters.

Q Do you know who she worked for before?

A Sir, I saw her maybe twice in my life. I don't know even if it is the same name.

Q Didn't she at one time work for Civil Censorship Division?

A I don't know, sir.

Q Was she seen in the company of any of the officers connected with your Czechoslovak Mission?

By Mr. Noto: I object to that question. He is not asking it of this witness.

By Chairman: Will you confine the question to this particular witness. I have no objection to the question. I will permit it. You are asking concerning Tatjana and not identifying her with the witness you are asking about.

Chairman to witness: Answer the question.

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By witness: I really don't remember, sir. I know I saw her twice, maybe only once. I know the name is very unusual; it is a Russian name. That is why I remember.

Counsel to witness:

Q Do you know a Monika Schwarz?

A I don't know the name, sir.

Q Do you know a Monika?

A No, sir.

Q Do you know a Miss Ashkenazi?

A No, sir; I don't know the name.

Q Now, isn't it a fact that a number of the girls of Czech origin who worked for the Civil Censorship Division very frequently were seen in the company of the officers connected with Czech Mission during the years 1947 and 1948?

A I haven't seen any except Miss Boxhorn.

Q That was sufficient, wasn't it?

A Yes.

Q How many times did you see Miss Boxhorn in the company of persons connected with the Czech Mission?

A Sir, I stated in my testimony that I saw Miss Boxhorn approximately every fortnight.

Q For how long a period?

A For sometimes between August 1947 up to December 1947. Last time I saw her in December 1947 before Christmas.

Q And that was at the Mission, right?

A Yes, sir.

Q I am not questioning you about the Mission, sir. I am questioning you about the social activities around Frankfort. Did any of the Czech Mission take out Czech girls who were connected with the American Government at that time?

A I don't know at all, sir.

Q Did you have parties at which the Czech officers attended?

A Yes, sir.

Q And did they attend these parties in the company of Czech girls who were attached to the American authorities?

A I don't remember, sir.

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Q Now what makes the name Tatjana stand out in your mind - do you recall any of her activities?

A I said it stands in my mind because I know that a girl of that name was employed by United States headquarters in Frankfurt and because the name Tatiana, and I saw her once or twice. The name Tatiana is a Russian name. It is not a Czech name and I had several doubts about origin of that name.

Q Was she an espionage agent too?

A Sir, I can't know what she was. I haven't been interested in her case until I went off.

Q I am talking about Tatjana?

A Yes; I don't know anything about her except what I already told you.

Q Do you recall any other people who were connected with the Service with which Mrs. Knauff was attached - I just want an answer yes or no - who were engaged in espionage?

By Mr. Noto: Objection to the question.

By Chairman: On what grounds?

By Mr. Noto: On the grounds that the issue before this Board is whether or not this applicant here is eligible for admission. Now the answer to this question would involve other persons that perhaps may be subject to military security.

By Chairman: Your objection is sustained.

By counsel: May I be heard on that. I am attacking this man's credibility. I want the opportunity to cross-examine him. I haven't come to the point where I am asking him to make a disclosure but I submit that I have the right to attack his credibility, his knowledge of the facts, his recollection.

By Chairman: The Board feels that you are asking for a disclosure simply by asking him did he know of any other person. That is perfectly all right. The Board is not concerned with whether or not this witness did know any other people.

By Counsel: I don't know your name, sir.

By Chairman: My name is Clark.

By Counsel: May I have a ruling from the individual members of the Board on this particular question that I have just framed?

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By Chairman: This Board is conducted by the Chairman and there is no call for a ruling of the individual members. Moreover, the Board will not accept argument on the point.

By Counsel: I am not arguing. I am asking for a ruling from the individual members of the Board because I submit that this is an absolute infringement of my rights on cross-examination.

By Chairman: This hearing is being conducted by the Chairman and will continue to be handled in that fashion and the Chair will make rulings upon objections.

Chairman to steno.: May I have the question read again. (Question re-read)

By Chairman: Objection sustained.

Chairman to counsel: Have you another question, counsel?

Counsel to witness:

Q Are you presently a citizen of the United States?

By Mr. Noto: Objection to the question.

By Chairman: On what grounds?

By Mr. Noto: On the grounds that the witness' nationality has no bearing upon his credibility nor upon the issues of the case.

By Chairman: Is there some purpose to the question, counsel?

By Counsel: I want to know if he was legally admitted to the United States and I think I have the right to know.

By Chairman: You have previously directed a line of questioning concerning whether or not this witness has been promised or offered anything ...

By Counsel: I haven't done anything of the sort.

By Chairman: Will you permit me to complete my statement, counsel. You are entirely out of order -- whether or not the Government has made any offer to this witness for his testimony, and upon your refusal to ask a direct question I have asked it, and it is the view of the Chair that your present line of questioning is merely an attempt to evade the previous objection and to obtain that information by a circuitous route, and I believe you are out of order.

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By Counsel: May I submit to the Board that I am not trying to evade the question. I am trying to undermine the answer given by the witness to show he is unworthy of belief and has told untruths.

By Chairman: Nevertheless the witness will not be required to answer the question.

Counsel to witness:

Q Will you state the manner in which you entered this country?

By Mr. Noto: Objection.

By Chairman: Sustained.

By Counsel to witness:

Q Where do you live?

By Mr. Noto: Mr. Chairman, would you please instruct the witness that he need not answer that question if he does not desire to do so.

By Chairman: Has that question been asked previously on the record?

By Mr. Noto: I don't believe it has.

By Chairman to witness: Do you desire to answer that question?
By witness: I don't want to answer it.

By Chairman to witness: For what reason?
By witness: Security reasons.

By Chairman to witness: Do you mean personal security or national security?
By witness: Personal security.

By Chairman: Witness need not answer.

Counsel to witness:

Q Where are you employed?

By Mr. Noto: Objection.

By Chairman: Sustained.

Counsel to witness:

Q What is your profession?

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By Mr. Noto: Objection to that.

By Chairman: Sustained. Counsel, it is very definitely established that your line of questioning is out of order. It is simply drawing one objection after the other from the Chair. If necessary, the Chair will direct the witness not to answer any question until the Board has made a ruling as to whether or not it will permit the question.

By Counsel: May I state to the Board, with due deference to it, that I have an obligation to establish a record on behalf of my client and that there is an appeal which lies from this Board to higher administrative agencies. I feel, in view of that, I have the right to set up a record so that if there be an adverse ruling, and I hope there won't be one here and I can't see how there can be one here - nevertheless I am under the obligation to establish this record, and I hope the Board will bear with me so that I can show what I was attempting to do in this hearing to protect the rights of my client.

By Chairman: May I point out that should the Board fail to permit you to put into the record things which you believe should be put in the record, and should the decision of this Board be adverse to your client, you may note that fact in any brief which you submit on appeal. The Board is still charged with the conduct of the hearing and will direct the witness not to answer the question, and will make a ruling on any of your objections.

By Counsel: (to witness)

Q How long have you been in the United States?

By Mr. Noto: Objection.

By Chairman: Sustained.

By Counsel: That is all.

By Chairman: The witness is excused.

By Counsel: I would like to have it noted on the record that I should like to reserve the right to examine the last witness as, if and when I am placed in a position to conduct proper examination by knowing something about his background. May I be heard on that, Mr. Chairman?

By Mr. Noto: Counsel apparently has anticipated my request that this witness be excused representing the Government. I don't wish

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the Government to be placed in the position of wanting this witness for examination arbitrarily subject to counsel's call.

By Chairman: It is the view of this Board that the witness has been submitted to cross-examination. Counsel's statement concerning the conditions upon which he may cross-examine the witness does not justify holding the witness for further examination. It is the view of this Board, which is charged with the regulation of this hearing, that the witness has answered any questions which the Board believes he should be required to answer.

Witness, Miss Lavickova, recalled.

Chairman to witness:

Q Will you be seated, please. I must advise you, Miss Lavickova, that the oath administered to you previously will continue in effect now. Do you understand?

A Yes.

Chairman to counsel: You may proceed, counsel.

Counsel to witness:

Q Where do you live?

A I would rather not answer this question.

By Chairman: You won't be required to answer it. Have you another question, counsel.

Counsel to witness:

Q Where are you employed?

By Mr. Noto: I object to that question. Will the Chair please advise the witness she need not answer any questions tending to elicit information concerning employment, place of residence.

By Chairman: You are so advised.

Counsel to witness:

Q What is your profession?

A I won't answer this question.

Q When did you enter this country?

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By Mr. Noto: I object to that question, Mr. Chairman, on the same grounds that I have previously stated with respect to the previous witness.

By Chairman: Counsel's line of questioning is exactly the same as in the case of the previous witness. If it is, I assume that there will be an objection, and it will be sustained for the same reason.

By Counsel: Then we can dispense with that line of questioning. I have other questions though.

By Chairman: All right.

Counsel to witness:

Q After you left the Czech Mission, what employment did you undertake after that?

A I was with the International Refugee Organization in Germany.

Q Where was that located?

A In Frankfurt.

Q How long were you with them?

A Until last year.

Q Now, do you know Tatjana Prantl?

A I remember a girl by the first name Tatiana but I don't know her last name.

Q Was she very friendly with Colonel Podhora?

A I don't know.

Q Did you ever see her in the company of Colonel Podhora?

A I don't think so.

Q Did you ever see her in the company of any of the men connected with the Czech Mission?

A I think I saw her in Major Dokoupil's office but I don't know.

Q Do you know Monika Schwarz?

A No.

Q Do you know a Miss Ashkenazi?

A No.

Q During 1947 and 1948, to your recollection, did any of the girls of Czech origin who were employed by the American Censor Division mix socially with any of the men connected with the Czech Mission, to your knowledge?

A I don't remember. I remember only this girl by the name Tatiana. I saw her in our office.

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Q Did you ever see her at any parties given by the Mission?
A No.

Q Did you ever see any of the Czech officers connected with the Mission out with any of the American girls?
A I don't think so.

Q Never saw them?
A I don't think so.

Q Do you remember Captain Krautmann having an automobile smash-up in Czechoslovakia in 1947 or 1948, more particularly in 1947?
A I think I have heard about some accident but I don't know.

Q Wasn't one of the Czech girls that were working with the American authorities in that smash-up?
A I don't know.

Q You don't recall that?
A No.

Q Did the officers connected with the Czech Mission have smash-ups every day in their cars?
A No.

Q Wasn't it unusual when one of themen had a smash-up there?
A It was but I don't know too much about this case.

Q You know Captain Krautmann pretty well, didn't you?
A Yes.

Q Didn't he tell you about having one of the girls with him?
A I don't remember.

Q You don't remember?
A No.

Q Doesn't that refresh your recollection that a Czech girl was with him at the time employed by the American authorities?
A No.

By Counsel: That is all.

By Mr. Noto: May I ask that this witness also be excused.

By Chairman: Yes.

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By Counsel: May I make the same statement with relation to her?

By Chairman: It is noted - the same statement in relation to the Major.

By Counsel: Excuse me, one other question.

Counsel to witness:

Q When were you first questioned about this case by the Government?

A About one month ago.

By Counsel: That is all.

Chairman to counsel: Do you have any witnesses to present at this time?

Counsel to Mr. Noto: Are you resting at this time?

By Mr. Noto: No. I would like to recall the applicant to the stand.

By Chairman to applicant: Please take the witness chair, Mrs. Knauff.

Chairman to applicant:

Q I must advise you, Mrs. Knauff, that the oath administered to you will continue in effect now. Do you understand?

A Yes.

By Chairman: Proceed, Mr. Noto.

Mr. Noto to applicant:

Q You testified this morning, didn't you, Mrs. Knauff, that you visited the Czechoslovak Liaison Mission in Frankfurt on one occasion. Isn't that so?

A I testified that I visited it on several occasions to have my passport prolonged and I went again to make information out to get a statement that the passport had was no longer valid.

By Mr. Noto: May I ask that the witness be instructed to answer yes or no when the question calls for such an answer. She will have an opportunity to offer such explanation as she may deem necessary.

By Chairman: Very well.

Chairman to applicant: If it is possible, answer yes or no.

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By Mr. Noto to applicant:

Q Did you or didn't you testify that you visited the Czechoslovak Mission in the fall of 1947 on one occasion to get the passport that was issued to you in Prague on October 10, 1947 - yes or no?

A Yes.

Q So that prior to October 10, 1947 your testimony is that you visited the Czechoslovak Mission at Frankfort on one occasion - isn't that a fact?

A May I get this clear - prior to October 1947 I was visiting the Czech Mission at Frankfort on one occasion - no, sir.

Q Didn't you testify this morning that you made one trip to the Czechoslovak Mission at Frankfort in the fall of 1947?

A That is right, but you first asked me before the fall of 1947.

Q So that there won't be any misunderstanding between us, let me ask that again. Is it correct that you testified this morning that you took one trip and only one to the Czechoslovak Liaison Mission at Frankfort?

By Counsel: I object to the form of the question.

By Mr. Noto: May I be permitted to finish the question and then an objection would lie.

By Chairman: Proceed, Mr. Noto.

By Mr. Noto to applicant:

Q ... and that you made one trip to the Czechoslovak Mission at Frankfort in the fall of 1947 which resulted in your being issued a passport at Prague, October 10, 1947?

By Counsel: I object, on the grounds that there are at least two questions contained in that one question. If counsel will split it up, I have no objection to it.

By Chairman: Apparently the point at issue is did the witness make one trip to the Czech Mission, which trip resulted in the issuance of the passport, which she obtained in October 1947. Is that so?

By applicant: That is right. I visited the Mission once, got the information that I could not renew this passport, that it had to be a new passport issued at Prague.

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By Mr. Noto to applicant:

Q Now, getting away from the Mission and referring ourselves to the Czechoslovak Consulate, you testified this morning that you made one trip in May 1948 to the Czechoslovak Consulate at Frankfurt, so that it is correct, isn't it, that you made two trips to the Czechoslovak Mission and Consulate, one in the fall of 1947 and one in May 1948?

By Counsel: I object to the form of the question. I will admit on the record that she made those two visits. That is that.

By Chairman: That will satisfy Mr. Noto, I believe. (To Mr. Noto) Will it not?

Mr. Clark to applicant:

Q Would you tell the Board when you made a previous trip before your October visit in connection with your passport to either the Czech Consulate or the Czech Mission?

A I could not be 100% certain in my recollection but I got in May to Germany and my passport was at that time, that was the old Czech passport issued in London, was at that time still valid for three more months, so it would have been May, June, July. I may have seen them in July; I may have seen them in August. I cannot recall that. Then you have the letter and the passport was again renewed only for three months, as you can see from that letter, and afterwards three months I went there again.

Q Excuse me, did you come in 1946 or 1947 to Germany?

A In 1946.

Q Then you had been saying your passport was valid for three months after you came in 1946?

A Yes. The reason I raised the point, the letter, your Exhibit #3, is dated March 1, 1947. My passport was always renewed for three months and after the three months were up I went up to the Czech Mission again for a new passport prolongation. I don't know how often I went there altogether but I want to state here most emphatically that my business with any officer of the Czech Mission, and I am sorry I cannot recall their names and what they were - I am in no position - but the people I dealt with it was solely a passport mission. There was no illegitimate business involved.

Q This letter indicates that you could receive a passport prolongation, which letter was written on March 1, 1947. You did receive one then, did you?

A That is right, for three months again.

By Chairman: You may proceed, Mr. Noto.

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By Mr. Noto to applicant:

Q You saw and heard Major Kadane's testimony here today, didn't you?
A I did, and I don't believe one word he says.

By Mr. Noto: I ask that the latter remark be stricken from the record and that the witness be admonished.

By Chairman: It will be and the witness has already been admonished. When an answer can be given simply yes or no, please give it.

Mr. Noto to applicant:

Q Did you ever see Mr. Kadane before today?
A I don't remember that I have seen him.

Q You don't remember whether at any time, at any of your visits to the Czechoslovak Mission, you ever saw Mr. Kadane?
A No, sir, I do not.

Q You saw Miss Lavickova testify here this morning, did you not?
A I did, and I never saw her before in all my life.

Q Did you ever see Miss Lavickova in the offices of the Czechoslovak Liaison Mission at any time during any trips or visits that you made to the Mission?

By Counsel: I object to that. She has already answered that.

Mr. Noto to applicant:

Q Mrs. Knauff, did you ever visit Colonel Podhora in the offices of the Czechoslovak Liaison Mission?
A I did.

Q Did you ever give Colonel Podhora any information regarding the United States Armed Forces in Germany or elsewhere?
A No, sir, I did not.

Q Did you ever give any information to any of the representatives or officers of the Czechoslovak Liaison Mission other than such information as would have been necessary for you to get your passport?
A I only gave them information about my passport matter.

Q Did you ever engage directly or indirectly in any type of espionage activity or work with reference to information concerning the United States Armed Forces?
A No, sir, I did not.

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By Mr. Noto: I have no further questions.

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Chairman to counsel: Counsel, do you wish to question the applicant?

By Counsel to applicant:

Q Did you ever engage in espionage of any sort for any country?

A Certainly not.

CHAIRMAN'S NOTE: There is a short conference between counsel and applicant.

Counsel to applicant:

Q At the time you visited the Mission, how were the men at the Mission usually dressed?

A They were usually in uniform and that is what I am trying so hard to bring out. Maybe that is why I don't recognize the witness here.

Q You mean Major Kadane?

A Yes. That is what I mean.

Q If he were in uniform you might recognize him?

A I might recognize him in uniform.

Q As far as Podhora is concerned, did you ever talk with Colonel Podhora about anything other than the question of visa or extensions of your visa?

A Well, he tried to invite me several times to go out with him but I didn't.

Q And when you finally obtained the statement which appears on your passport and is dated May 4, 1948, did you have a conversation with him at that time?

A Yes. And contrary to his usual politeness, he was absolutely rude to me. He called me a Westerner. He told me the Czechs had never been good enough for me. I had never followed any of his invitations. He said now you are coming to me to help you to go to the United States. Your passport cannot be extended. So I asked him to put that down in the passport and he did, because he was under the impression that would spoil my journey to the United States.

Q Is this the notation he made in his own handwriting (indicating)?

A That is the notation he made.

By Chairman: It is previously in the record, I believe, counsel.
That is on May 4th?

By Counsel: Yes.

By Chairman: It has been read into the record.

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Counsel to applicant:

Q Now, at this time I should like to question the witness concerning Exhibit No. 1 which has been offered by the Government. Have you read Exhibit No. 1?

A I read it through during lunch.

Q Are there any changes that you wish to make?

A Yes, a couple of changes. There is on page 3 is a question "Have you any brothers or sisters living in the United States?" My answer to that is: No, sir, I have got a cousin of mine who married an American and she is living here in the United States, and I gave her name and address. This cousin has a brother. At that time I had not seen my cousin for 14 years and I didn't know that her brother was surviving. If this is of any importance.

Q Have you another cousin here?

A I would like to state that my cousin has a brother.

Q What is his name?

A Ernest Steinweig.

Q Where does he live?

A In Long Island.

By Chairman: I have no objection to that last answer. The question was does the applicant have brothers or sisters and the other is simply extraneous.

By applicant: On page 13 there is a question: "Did the Czechoslovak Government ever pay you any money for any reason whatsoever?" The answer is: "No, sir, never. While I was in England working for the Red Cross they offered me to study in London University, Social Science, but I would have had to put myself down - you see what I mean when I say I am no Socialist? - to work for them as a paid Socialist worker but at any place they would send me to". That is of course probably a typing mistake; that would be social worker.

By Counsel to applicant:

Q Other than that the transcript, the answers given to all the questions are the truth?

A They appear correct to me.

Q And they are the truth?

A That is right.

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Q Now, at the time that you left for Prague in the early part of 1946, did you receive a leave from the Royal Air Force?

A For the purpose of going to Prague.

Q Is this a duplicate of the permission that you received from the Royal Air Force (indicating)?

A That is right.

By counsel: Offered in evidence.

EXH 5 By Chairman: That will be entered in evidence as EXHIBIT #5.

By Mr. Noto: May I be shown, Mr. Chairman.

By Chairman: Yes, I will give it to you, Mr. Noto. (shown)

Counsel to applicant:

Q Now, in August 1947 did you receive the following recommendation from the First Lieutenant Adjutant of the Civil Censorship Division. I show you this document (indicating). Is that a duplicate?

A That is a correct duplicate.

By Counsel: Offered in evidence.

EXH. 6 By Chairman: Entered as Exhibit #6. (Shown to Mr. Noto)

By Counsel to applicant:

Q At the time that you left Germany to enter as a war bride here, were you under contract with the United States Armed Forces?

A That is right.

Q Is this a copy of the contract which you had at that time?

A That is my contract, yes.

By Counsel: Offered in evidence.

EXH. 7 By Chairman: Entered as EXHIBIT #7. (Shown to Mr. Noto)

By Counsel to applicant:

Q Now in connection with the leave that was given to you by the Royal Air Force, were you required to receive a similar permit to leave for Prague from the United States authorities?

A Yes. I had to have travel orders and I always made my applications for leave giving my address in Prague where I had been staying and everything, and it was every time granted by the United States Army.

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Q Is this one of the certificates that you received from the United States Forces?

A Yes; that is a guarantee of my return to England after my contract expires.

By Counsel: Offered in evidence.

EXH. 8 By Chairman: Entered as EXHIBIT #8. (Shown to Mr. Noto)

By Counsel to applicant:

Q I show you a document dated April 27, 1948 to the Commander in Chief, European Command, and ask you whether or not you received a two month's leave for the purpose of entering the United States from the Army, having received the original of this, and is this a duplicate?

A This is a duplicate because the Signal Corps wanted to keep me on at that time and they hoped that I would be back within two months.

By Counsel: Offered in evidence.

EXH. 9 By Chairman: Entered as EXHIBIT #9. (Shown to Mr. Noto)

Counsel to applicant:

Q Now, in the early part of the war, where were you?

A I was in England working for Mrs. Ballantyne as a cook.

Q Where was that?

A Cocktail Court, Burgh Heath.

Q Now while there, did you become active in the Women's Voluntary Services for Civil Defence?

A Yes. The war had started and I wanted to help the war effort and I worked for the Women's Voluntary Services in England, washing a few more dirty dishes on my day off.

By Chairman to applicant: Please answer the question yes or no.

By Mr. Noto: Mr. Chairman, I would submit at this time - I don't want to appear to interrupt Mr. Feingold - but it seems to me that we are putting back into the record Government Exhibit #1, which background is already part of the record. I see no purpose in this line of questioning as to what she was doing with the people in England.

By Counsel: I submit I have the right to submit documentary proof to substantiate everything she has said.

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By Chairman: No objection has been made to the witness' background or to your documentary proof. The objection is to this re-introducing what is already part of the record by this Exhibit which the applicant has now read and concurred in, and I see the point of Mr. Noto's objection. I see no reason to go over the same ground which is already a matter of record.

By Counsel: But just throwing in documents doesn't serve any purpose.

By Chairman: But the background is already in the record, counsel.

Counsel to applicant:

Q Is that the citation that you received?

A That is the citation I received.

By Counsel: Offered in evidence.

EXH. 10 By Chairman: Identified as EXHIBIT #10. (Shown to Mr. Noto)

Counsel to applicant:

Q Now you have testified before the inspector that you were a refugee from Czechoslovakia and that you came to England through the offices of the Young Women's Christian Association of Great Britain. Is that correct?

A That is correct.

Q Did you receive this communication from the National General Secretary on April 2, 1940 (indicating)?

A That is correct.

By Counsel: Offered in evidence.

EXH. 11 By Chairman: Identified as EXHIBIT #11. (Shown to Mr. Noto)

Counsel to applicant:

Q I show you a document dated May 8, 1946 and ask you if this is the permit that you received from the Record Office, Royal Air Force, Gloucester, before you left for Germany (indicating).

A That is correct.

By Counsel: Offered in evidence.

EXH. 12 By Chairman: Identified as EXHIBIT #12. (shown to Mr. Noto)

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Counsel to Board: At this time I should like to read into the record, because these documents are of certain value to the witness, I would like to read into the record a brief statement of service and discharge certificate from the Royal Air Force of this witness.

By Chairman: Will you submit it to the Board, please.

NOTE: There is submitted document from the Royal Air Force, entitled "Brief Statement of Service and Certificate of Discharge" of Boxhornova, Ellen. Such document shows enrollment January 1, 1943, enlisted in the WAAF, discharged on May 30, 1946, with the rank of Flight Sergeant. Cause of discharge: Services no longer required - at own request. General character during service: Very good. Degree of trade proficiency, satisfactory. There follows a personal description of the applicant and the added notation that this air woman has been employed as an instructor under the educational vocational training scheme. Further that she is very intelligent and of good personality and character, and has given every satisfaction. Over a signature illegible, for Air Commodore, Air Officer in Charge of Records, Royal Air Force. (RETURNED)

By Counsel: At this time I offer a letter from W. W. Lindsey, Lieutenant Colonel, dated June 18, 1948, headquarters European Command. I show it to the Board and ask that it be read into the record.

By Chairman: Letter is as described by counsel, addressed To Whom It May Concern, states that Mrs. Ellen Knauff has been employed as my secretary since first April 1948; further I have always found Mrs. Knauff to be discreet, capable and interested in her work. I do not hesitate to recommend her for employment. Over the signature of W. W. Lindsey, Lt. Colonel, Signal Corps. (RETURNED)

By Counsel: At this time I offer a letter dated March 9, 1948, over the signature of George W. Olson, Captain, Signal Corps, European Command, and ask that it be read into the record.

By Chairman: The letter is dated March 9, 1948 and states that the applicant has been under the personal daily observation of

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the writer for the past six months with an assignment including usual stenographic and typing duties and in addition librarian responsibilities for a highly technical and specialized library for the signal corps technical board. Further, that she has always exhibited excellent competence in handling her assignment without continuous supervision and while achieving efficient results. The writer further believes that the applicant is capable of filling any position calling for the above characteristics. Signed George W. Olson, Captain, Signal Corps. (RETURNED)

By Counsel: I offer at this time War Department Notification of Personnel Action, dated February 26, 1947, and ask that there be read into the record the remarks at the foot thereof.

By Chairman: The remarks referred to by counsel state "Services contracted under the British Government; date of contract 27 May 1946. Conduct is satisfactory; efficiency rating very good. Dated February 26, 1947, over the signature of B. M. Kitchen, Lt. Colonel, Infantry Commanding. (RETURNED)

By Counsel: I offer at this time an interim route slip dated November 17, 1947, over the signature of George M. Strawn, Captain, Signal Corps, Chief Sig. Tng. Suv. Team, and ask that the remarks be read into the record.

By Chairman: The comments referred to state that the applicant has been employed by that office since 1 September 1947; further that on or about 1 December 1947 applicant will be available for reassignment as this branch is to be dissolved. Further that she has proved very capable as a typist, the only position she held in the employ of the writer. Further that she is reliable, conscientious and trustworthy, and the writer would be very pleased to have her work for him again. Character excellent; efficiency excellent. Over the signature of the Captain as noted. (RETURNED)

By Counsel: Now I call upon the Government at this time to produce the affidavits obtained by the Immigration Service pursuant to the direction of Attorney General McGrath since the hearings have been reopened pursuant to his order in January 1951.

By Chairman: This hearing has been directed by the Attorney General. There was no previous hearing.

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By Counsel: Yes, but pursuant to his direction affidavits have been obtained to my knowledge from a list of people that were submitted by myself and my client and it is my understanding, and I have been informed from sources in Europe, that the witnesses have been interviewed. Those people consist not only of civilian persons but also of army persons and at this time in view of the fact that it is a matter known that these people have been interviewed by the Government, I call upon them to produce the affidavits that were obtained in Europe pursuant to the direction of Attorney General McGrath.

By Chairman to Mr. Noto: Mr. Noto, have you any?

By Mr. Noto: Do I understand, counsel desires to introduce them into the record and make them part of the record?

By Counsel: That is correct, after I have had an opportunity of seeing them.

By Mr. Noto: I would like to know whether or not Mr. Feingold will put those statements into evidence. May I have a statement from Mr. Feingold on that?

By Chairman: Does the Board understand that if they will be put into evidence they will be produced, Mr. Noto?

By Mr. Noto: I have them. I am just trying to get clear in my mind if Mr. Feingold is willing to state at this time that he will introduce into evidence these affidavits that I have from persons abroad that were interviewed at the request of Mrs. Knauff.

By Chairman: Are you so minded, counsel?

By Counsel: I am so minded if they tend to clarify the situation.

By Mr. Noto: I believe they will clarify the situation in certain respect. However, counsel it would depend on you.

By Chairman: Can you say unqualifiedly that any such statements could go into the record?

By Counsel: I have never seen them. Let me put it the reverse. I do not want to be jockeyed into any position here. It seems to me that where an investigation has been ordered by the Attorney General and that numbers of witnesses have been interviewed by the Government, to have the Government stand upon as

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rest of the record would show.

By Chairman: This reference is merely comment.

By Counsel: That is right and my opinion, of course.

By Chairman: Is it your desire, Mr. Noto, to produce those statements and enter them in evidence?

By Mr. Noto: I do have them. I might say for the record I do not have all of them at this time because we have been somewhat unsuccessful in locating some of the people Mrs. Knauff had suggested but in the main I have most of them. If you will be good enough to give me a few moments, I would be glad to furnish Mr. Feingold with them.

CHAIRMAN'S NOTE: There will be a recess for 15 minutes.

2:45 P.M.

Certified true and correct transcript.

Fannie F. Shusterman, Secy.

(Hearing resumed at 3:00 P.M., Secretary L. J. Dowd replacing Mrs. Shusterman)

By Counsel:

At this time I should like to offer on behalf of the Petitioner, sworn statement of Theresa Vogel which has been furnished to me by the Government.

By Chairman:

EXHIBIT #13 This statement will be entered into the record of hearing and identified as Exhibit 13.

By Counsel:

At this time I offer sworn statement of Henry Schmal taken by Inspector William H. Bartley at Hanau, Germany, February 7, 1951.

EXHIBIT #14 By Chairman:

This statement will be entered into the record of hearing and identified as Exhibit 14.

By Counsel:

In addition to that I have three confidential reports evidently obtained by the Immigration Service, from Colonel Lindsey, Major Olson, and Moses J. Aronson, a former major of the Judge Advocate General's Division of the United States Army.

By Mr. Noto:

They are narrative statements made by the three persons mentioned by Mr. Feingold and regardless of the confidential stamp I move they be accepted in evidence.

By Chairman:

EXHIBIT #15 These reports will be entered into the record of hearing and identified as Exhibit 15.

By Mr. Noto:

Mr. Chairman, I would like to take up two points at this time, firstly, will the record indicate that Mrs. Knauff had submitted the names of twenty-one persons to be interviewed at her behalf. Some of these persons have been unavailable to us, in Europe, or because of change of address, but I can assure you that despite exhaustive investigation it has been absolutely impossible to locate them. Others are in the process of being interviewed. I have here before me two statements, one made by Major George M. Strawn, who was with the United States

Army in Fort Sam Houston, Texas. This officer was interviewed at the request of Mrs. Knauff, however, I would assume that the applicant does not desire to introduce this into evidence in view of apparent derogatory information concerning the applicant, and since it does contain information bearing upon the applicant's eligibility for admission to the United States I would like to offer it into evidence as a Government exhibit.

By Chairman:

EXHIBIT #16 This statement will be entered into the record of hearing and identified as Exhibit 16.

By Counsel (after examination of statement):

No objection to that going in at all. I just want to call the Board's attention to the fact that this is the same Captain Strawn who signed a routing slip, dated February 7, 1947, which was made into the record.

By Mr. Note:

I have one further request. The Immigration Service at the request of Mrs. Knauff interviewed one, Dilyse Griffith-Jones. Now, this person was submitted to us and the Immigration Service by Mrs. Knauff and interviewed at her request. On February 7, 1951 a sworn statement was taken from this witness at Frankfurt, Germany. I would like to introduce that into evidence.

By Counsel:

I object to that on the grounds that it is hearsay and was not taken in our presence and we were not given the opportunity to examine the witness ourselves to bring out facts that might tend to explain the nature of the statements contained there.

By Chairman:

It will be admitted as an exhibit and the Board will form its own determination as to the value of the testimony.

By Counsel:

May I quote the ruling I pointed out at the beginning of the hearing. I will not waive production of Griffith-Jones, and I point out to the Board it is hearsay.

By Chairman to Counsel:

I said the Board will form its own determination as to the value of the statement.

By Chairman: (to Both Counsels)

May I advise both of you that the Board will form its opinion as to the relative value of any of these statements.

By Chairman:

EXHIBIT
#17

This statement will be entered into the record of hearing and identified as Exhibit 17.

By Mr. Noto:

With respect to these other persons submitted to the Immigration Service by Mrs. Knauff, the Government will take the position that we would assume that if they could be reached or successfully located for interview with respect to Mrs. Knauff, they would give information attesting to her moral character, and also I wish to observe that in the course of these interviews these witnesses were not advised of the charges or of the evidence which the Government had against Mrs. Knauff.

By Counsel:

May it be observed, however, that this case has been a matter of international knowledge and that people throughout Europe know more about this case than people in the United States and all these witnesses know about this case and know the charges which have been levelled against Mrs. Knauff, and I might make a point of the fact that one of the people interviewed, Terry Vogel, was rather reluctant to make a statement because she was afraid to get herself in trouble. I have one other point I want to make but I may be able to clear it up with my adversary. I might point out to this Board that all the evidence adduced by the Government dates back approximately six months from the date of this hearing. Nowhere has the Government introduced one scintilla of evidence which would substantiate the position taken by the Immigration Service in August or September, 1948 when Mrs. Knauff first entered the United States. I believe that that is a consideration that should be taken into account in weighing this evidence. In other words, almost two and a half years the Petitioner has remained at Ellis Island....

By Chairman to Counsel:

You are making a speech which is not proper before this Board; it is merely your opinion.

By Counsel:

Every witness that has taken the stand today and spoken of Mrs. Knauff was interviewed by the Government not less than six months ago. This woman has been on Ellis Island over two years. Why haven't they produced the witnesses upon which they relied at that time?

By Chairman to Counsel:

Q Have you any further evidence?

A That's all.

By Mr. Noto:

I just want to note in the first place the statement by Counsel that this evidence has been obtained within the last six months is untrue because Counsel loses sight of the fact that the Attorney General has now ordered this Board of Special Inquiry hearing because certain portions, certain parts, and I underscore the words, "certain parts" of the evidence against Mrs. Knauff, although available before, can only be disclosed at this time without prejudice to the public interest, and further, it is untrue that these witnesses testified that they were approached by the Government only recently. They were approached by the Immigration recently. There is no evidence indicating negatively that these witnesses had not been in touch with other agencies of the United States Government prior to the period Counsel refers to. One other remark. Intimations have been made concerning the credibility of Mr. Kadane. I must state for the record that before Mr. Kadane took the witness stand today he has been thoroughly, exhaustively, and completely investigated by the United States Government.

By Counsel:

I think that is an outrageous statement to make when I was not given an opportunity to cross-examine him.

By Mr. Noto:

And further, he would not be put on the stand today had not the United States Government had implicit confidence and reliability on his credibility with respect to the statements made here today regarding Mrs. Knauff.

By Chairman to Counsel:

Q Are you finished with the witness?

A I will not dignify the remark of Counsel by commenting although he is a lawyer and should know better.

By Chairman to Counsel:

Q Are you finished?

A Yes.

By Chairman to Applicant:

Q Before the Board takes action in your case have you anything further to say?

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A Yes, for the last two and a half years I hoped I would be able to appear before this Board, and as I cannot see anything in life of which I need to be ashamed. I have never knowingly broken the laws of any country. I believe in freedom, honesty, truth and common decency. I believe in God. I detest dictatorship and violence having seen so much in Europe, therefore, I was willing to help whatever little I could to win the last war. I joined the Czech-slovak Red Cross and the Royal Air Force in our, yours and my fight against Hitler. I would just as whole heartedly have joined this fight if Stalin would have been declared the enemy of freedom at that time. I love my husband and came to this country as his wife to make it my own. I have always kept feeling that justice will prevail and I will be completely cleared one day. I am not bitter. On the contrary I am deeply grateful for all the many signs of sympathy of my plight with the American public. I have seen democracy at work and shall do my very best not to disappoint or fail all these many unknown friends. I could never have gone through this without Kurt's help. He thought it unreasonable that he who has been fighting for his country should have to choose between his country and his wife. He wanted both, that is why I am standing before this Board today pleading for my admission. I have nothing more to offer than a background which is in accord with all true American tradition and the promise to uphold these traditions forever.

By Chairman:

Q Have the Board Members any questions?

By Inspector Danielson: I have no questions.

By Inspector Joseph: I have no questions.

By Chairman:

At this time the hearing will be recessed until 4:30, approximately one hour.

(Hearing recessed at 3:25 P.M.)

* * * * *

(Hearing resumed at 4:30 P.M.)

By Chairman:

The Board of Special Inquiry is again convened. The Board is prepared to announce its findings in the case. These findings will brook no argument from both Counsels at this time.

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By Chairman to Applicant:

On the evidence adduced in this hearing, I propose the following findings of fact and conclusions of law:

FINDINGS OF FACT:

- 1) that you are an alien, native of Germany, claiming to be Stateless, formerly a Czech national;
- 2) that you last arrived in the United States at the port of New York on August 14, 1948 as a passenger on United States Army Transport "Comfort";
- 3) that you seek entry to the United States for permanent residence under the so-called War Brides Act;
- 4) that, by your own admission, you were an employe of the Civil Censorship Division in Frankfurt, Germany, in 1947;
- 5) that testimony of two witnesses has been offered as to your presence in the Czech Liaison Mission in Frankfurt, Germany;
- 6) that testimony of one witness states you appeared there approximately every two weeks from August, 1947 until before Christmas, 1947, which testimony is directly contradictory to your testimony on that point;
- 7) that testimony has been offered that you served the Czech Liaison Mission as an espionage agent operating under the code name "Kobyla" and reporting on classified material of the Civil Censorship Division and on a decoding machine of the United States Armed Forces;
- 8) that no evidence has been offered by the applicant to controvert the foregoing testimony, exhibits offered by her being testimonial in character but not bearing on the testimony of Government witnesses;
- 9) that you have failed to sustain the burden of proving your admissibility.

CONCLUSIONS OF LAW:

- 1) that you are inadmissible to the United States on two grounds:
 - (1) under Section 1(3) of the Act of October 16, 1918, as amended, in that you are an alien with respect to whom there is reason to believe that you would be likely to engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder or in other activity subversive to the national security, and

- (2) under 8 CFR 175.53 (k), in that you are an alien who is not within one or more of the classes defined in (a) to (j) inclusive but in whose case circumstances of a similar character have been found to exist which render your admission prejudicial to the interests of the United States.

By Inspector Danielson:

I concur.

By Inspector Joseph:

I concur.

By Chairman to Applicant:

Q Have you heard and understood the findings of this Board?
A Yes.

By Chairman:

Motion is in order.

By Inspector Danielson:

MOTION:

On the basis of the findings of fact and conclusions arrived at by the Board, I move that this applicant be excluded from admission to the United States.

By Inspector Joseph:

Second the motion.
Unanimous.

By Chairman:

By Chairman to Applicant:

Q You are advised that this Board has voted to exclude you from admission to the United States. From this decision you have the right of appeal to the Commissioner of Immigration and Naturalization. Do you wish to appeal?

A I definitely want to appeal.

Q Record in this case will be transcribed and transcript thereof furnished you or your Attorney and you will be afforded a reasonable time thereafter in which to file exceptions or brief. Do you wish the record of this case submitted to your Counsel?

A Yes.

Q You are further advised that should the Commissioner of Immigration and Naturalization affirm the findings of this Board you will be given an opportunity to appeal further to the Board of Immigration Appeals acting for the Attorney General. Do you understand?

A Yes.

Q You are advised further that should you be ordered deported from the United States you will be returned to the country whence you came

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by the transportation which brought you here in like accommodations and you may not thereafter enter or attempt to enter the United States unless prior to your embarkation at a foreign port you obtain permission of the Attorney General of the United States to seek admission to the United States. Do you understand?

A Yes.

By Mr. Note:

I just wish the Chairman to direct the alien to notify the District at New York, New York, of any change of residence pending determination of the custody of the alien.

By Chairman to Applicant:

You are so advised.

By Counsel:

She is in my custody and Mr. Shaughnessy will be so advised.

By Chairman:

Hearing is terminated.

4:40 P.M.

Certified true and correct:

L. J. Dowd,
Secretary.